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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

C.O. No.	406	Press
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GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 23rd November 1892, No. 673.

Read—again Proceedings of the Board of Revenue (Land Revenue), dated 1st September 1886, No. 1943.

ABSTRACT.—Circulating to all Collectors for information and guidance the draft rules framed by Mr. Farmer for the disposal of darkhasts as modified and re-arranged by the Board, and requesting them to submit a report on the working of the rules at the end of fasli 1296.

Read—again Proceedings of the Board of Revenue (Land Revenue), dated 23th March 1887, Mis. No. 2233.

ABSTRACT.—Recording Government Order on Board's Proceedings circulating Mr. Farmer's darkhast rules.

Read—again Proceedings of the Board of Revenue (Land Revenue), dated 27th July 1888, No. 665.

ABSTRACT.—Requesting all Collectors—except Madras, Chingleput and Malabar—to submit a report on the working of the new darkhast rules in fasli 1297.

Read—again Proceedings of the Board of Revenue (Land Revenue), dated 8th September 1892, No. 502.

ABSTRACT.—Agreeing with the Chief Engineer for Irrigation in his proposal regarding reservation of lands by the side of irrigation embankments, and requesting him to arrange for lists of irrigation works referred to being furnished direct to Collectors.

Read—also the following papers :—

From the Collector of Anantapur,	dated	30th Nov.	1888, No.	836.
" " of Arcot, North,	"	21st Feb.	1889, "	201.
" " of " South,	"	25th Feb.	" "	1039—88.
" " of Bellary,	"	5th Jan.	" "	8-Ind.
" " of Canara, South,	"	12th Dec.	1888, "	4495.
" " of Coimbatore,	"	3rd Oct.	" "	1506.
" " of Cuddapah,	"	2nd Mar.	1889, "	1449.
" " of Gandjam,	"	15th May	1890, "	3165.
" " of Godavari,	"	27th July	1888, "	324.
" " "	"	13th Mar.	1889, "	105.
" " of Kistna,	"	14th Jan.	" "	186.
" " of Kurnool,	"	17th Dec.	1888, "	3707.
" " of Madura,	"	13th Mar.	1889, "	113.
" " of Nellore,	"	9th Feb.	" "	663—2.
" " of Nilgiris,	"	16th Nov.	1888, "	492.
" " of Salem,	"	20th Jan.	1889, "	82.
" " of Tanjore,	"	9th Nov.	1888, "	683.
" " of Tinnevely,	"	4th April	1889, "	A.
" " of Trichinopoly,	"	21st Dec.	1888, "	607—4.
" " of Vizagapatam,	"	9th Mar.	1889, "	587.

Read—also letter from Collector of Kistna, dated 2nd September 1892, No. 7371.

ABSTRACT.—Enquiring whether Board's Proceedings No. 431 of 1892 cancelled the addition to Board's Standing Order No. 30, communicated in Board's Proceedings No. 280 of 1892.

differs in some respects from that prevailing elsewhere, the rules could not be adopted in their entirety. He adds that separate instructions have been issued for disposal of cases of unauthorised occupation of assessed and unassessed waste lands, and that they have worked satisfactorily. The Board considers that they may remain in force. They contain nothing inconsistent with the draft Standing Order at the close of this Proceedings. The Collector of the Nilgiris reports that the darkhast rules are applicable only to the South-East Wynaad, and to one village elsewhere, but that even there the present rules have not been put into operation as in the former place they apply only in a restricted form, and the disposal of darkhast land is left to the Revenue Settlement-officer, and in the latter the available land has not been defined and assessed. The other Collectors report generally that the rules have worked well, but add various suggestions for their improvement. These suggestions will be found in Appendix A to these Proceedings, tabulated under each of the rules as given in Board's Proceedings, dated 1st September 1886, No. 1943.

3. The more important suggestions made by Collectors fall under the following general heads:—

- (1) Presentation of darkhasts.
- (2) Treatment of unauthorised cultivation.
- (3) Preferential claims among applicants.
- (4) Sale of occupancy right in waste lands.
- (5) Collection of value of trees standing on darkhast lands.
- (6) Communication of orders in darkhast cases to the parties concerned.

These will be dealt with *seriatim*.

4. *Presentation of Darkhasts*.—Under the present rules applications for assessed lands may be presented either to the taluk authorities or to the village officers. Some Collectors propose that the power of receiving applications should be taken away from village officers, the general reason urged being that they antedate darkhasts, and thereby place applicants to the Tahsildar at a disadvantage. The Board observes that the rule has been in force ever since the darkhast rules were issued in 1863, and that as village officers are within the easiest reach of darkhastdars, the restriction proposed would diminish the ryots' facilities for obtaining lands. Nor would it answer the purpose in view so long as unauthorised occupation is allowed under the rules. The evil of antedating can be minimised by exemplary punishments where it may be detected. Mr. Tremeneere, as Acting Collector of Coimbatore, proposed that applications should be made presentable to Sub-Registrars instead of to Revenue authorities, his reason being that much fraud is perpetrated under the present system; but the Board does not think that the proposal deserves serious consideration. The Collector of Vizagapatam suggests that a rule should be made directing that applications of village officers and members of their families should invariably be made to the Tahsildar. The Board approves of this suggestion, and notes that village officers have already been prohibited from unauthorised occupation of assessed waste lands—*vide* paragraph 3 of Standing Order No. 16.

5. *Treatment of Unauthorised Cultivation*.—Some of the Collectors suggest that unauthorised occupation in all cases be punished by fine. The Board observes that it has already been decided, after full discussion, that unauthorised occupation of assessed lands is not wrong, and that it should not therefore be punished—*vide* G.O., dated 3rd February 1875, No. 180. The reasons which led to this decision still hold good, and the Board sees no reason to propose any change. Another suggestion under this head relates to the procedure to be adopted in the matter of the disposal of these cases. At present formal darkhasts are reported in Form A as the cases occur, and unauthorised occupation of all classes of lands in Form D once a month. Tahsildars are competent to dispose only of cases of occupation of assessed waste lands, while those of unassessed lands, including porambokes, require the sanction of the Divisional officer or the Collector. The inclusion of both classes of cases in one statement is found to cause confusion and inconvenience. Moreover, poramboke lands, and lands otherwise reserved for public purposes, are not ordinarily assignable, and, as the first question to be settled in such cases is whether the land can be assigned, it appears to

the Board that until this is settled it is useless labour to publish notices of occupation as in the case of assessed lands, or to give details such as those required by columns 11, 12 and 14 of the present Form D. The Board, therefore, considers that Form A may be used for all cases of assessed lands whether formally applied for or occupied without application, while a simple report showing the details of unauthorised occupation of other classes of lands and furnishing information as to whether they can be assigned or not is all that is required in the first instance in these cases. When their assignment has been sanctioned, the cases can be dealt with under the darkhast rules, unless otherwise ordered. Another suggestion made under this head is that pattas should be granted on unauthorised occupation of lands only when the parties require them. It will now be made clear that this rule should be observed. The Collector of North Arcot proposes that unlimited sub-division should be avoided. Such sub-divisions will be unnecessary in cases where no pattas are required; but when they are the Board does not consider that the smallness of the extent should be an objection to the assignment. This principle has been approved by Government, which has declined to fix a minimum divisible—*vide* G.O., dated 12th January 1881, No. 105, and Board's Proceedings, dated 12th June 1888, No. 522.

6. *Preferential claims among Applicants*.—The general effect of the changes suggested by Collectors under this head is to abolish the preferential right of the adjacent landholders or to restrict it. The Board, after a careful consideration of all the arguments urged on the subject, is of opinion that no change is required in the existing order of preference. It would only substitute for the word "ryot" the word "pattadar" as being more clear.

7. *Sale of occupancy right in lands*.—The Collectors of Kistna and Tinnevely propose that where waste lands are valuable they should not be assigned on darkhast, but that the occupancy right in them should be sold. The object of Government in permitting the assignment of waste lands free of price is to promote, as far as possible, the extension of cultivation, and to insist on a premium being paid for new lands taken up would certainly defeat this object to a large extent. Moreover Government has been averse to any considerable extension of the auction system. For these reasons, the Board does not propose to make any change in the direction indicated. Where waste lands acquire special value by reason of irrigation works executed by Government, they can, of course, be dealt with under special orders.

8. *Collection of value of trees standing on Darkhast lands*.—The existing orders require that the value of trees, if any, standing on the darkhast land should be collected before the successful applicant or purchaser at sale is put in possession of it; but they do not say how the payment is to be enforced, nor what should be done in cases where it is needlessly delayed. As a matter of fact, pattas are generally speaking not granted until the tree value is paid, and, as there is frequently inordinate delay, the result is much confusion in the accounts. The Board would therefore fix a limit of one month within which the tree value should be paid, and direct that the assignment should be cancelled in default of payment within that period. The suggestion made by certain officers that the value of trees should be collected as arrears of revenue is inadmissible, as Act II of 1864 is clearly inapplicable to such cases, unless the party has been actually put into possession, in which case, the tree value would be recoverable under section 66 of the Forest Act if the land happens to be outside a municipality—*vide* rule 5 of the rules under section 26 of the Forest Act, appended to G.O., dated 21st January 1890, No. 54.

9. *Communication of orders in Darkhast cases to the parties concerned*.—The present rules do not specify how orders on darkhast cases should be communicated to the parties concerned. In practice the karnam is left to intimate the result on receipt of the duplicate A memorandum from the Tahsildar or Deputy Tahsildar, and there is no guarantee that he communicates the orders to all the parties concerned. Further the duplicate A memorandum reaches the village officers some time after the order is passed, and before it is communicated to the unsuccessful applicant the appeal time may have expired. To enable the right of appeal to be exercised, it seems to the Board necessary that orders passed in darkhast cases should be communicated direct by the officer disposing of the case to all the parties concerned. The additional labour can be minimised by using printed forms of endorsement for the purpose.

Read—also letter from Collector of Kistna, dated 21st October 1892, No. 8792.

ABSTRACT.—Calling attention to certain points in connection with certain Standing Orders now under revision.

Read—also the following letter from H. LE FANU, Esq., Collector of North Arcot, to the Secretary to the Commissioners of Land Revenue, dated Chittoor, 10th October 1892, Ref. on Gl. Eng. No. 2613 of 92:—

I have the honour to submit the following for the orders of the Board.

2. Rule 7 of the Board's Standing Order No. 16 directs that ryots cultivating lands without authority should be compelled to pay the whole annual assessment within 30 days from the date on which the assessment is determined. I find that, in this district, this rule is seldom or never applied now in the case of unauthorised cultivation of poramboke lands reserved for public or communal purposes—an item in respect of which it is most important to bring the rule rigorously into force.

3. Under rule 5 of the same Standing Order, power is conferred on Divisional officers to impose prohibitory assessment on such cultivation; and the practice is for Tahsildars to obtain orders from the settling officers at jamabandi. The cultivation generally begins in August or September, and, as generally the jamabandi is not finished before June, the prohibitory assessments levied in such cases cannot be recovered before that date, that is, until 9 or 10 months after the ryot has cultivated the land, or, until long after the crops on it were cut and the kistbandi was over. If the assessments are to be determined by Divisional officers before jamabandi, as cases of such cultivation arise, there will be an appalling increase of correspondence in the taluk and divisional offices. One of the Tahsildars in the district, therefore, proposes that a scale of penal charges to be levied in all ordinary cases be laid down, so that Tahsildars may, as each case arises, proceed to recover the amount calculated according to the scale, duly enforcing the "30-days' rule." I support the proposal and think that the following scale will be found suitable generally:—

(1) In the case of important porambokes, such as path, village-site, burial-ground, channel, &c., the charge may be

(a) if new cases, 2 annas a cent, subject to a minimum of 4 annas in each case, up to the limits of 50 cents; above this, treble the block rate up to 2 acres, and double for above 2 acres;

(b) if old cases, double the charge levied in the previous year, but not less than the amount leviable under clause (a).

2. For other kinds of porambokes, which it may be objectionable to assign on patta, the charge may be

(a) if fresh cases, 1 anna a cent, subject to minimum of 2 annas in each case, up to 50 cents. Above this, treble the block rate up to 2 acres; and double for above 2 acres;

(b) if old cases, the charge may be as in 1 (b).

4. The charge levied with reference to the above scale will be subject to the scrutiny and approval of the settling officer at jamabandi. If the settling officer considers that any case calls for a heavier charge, he may levy the excess then, and order the excess to be recovered within 30 days from that date. If, at the outset, the Tahsildar considers that any case calls for exceptional treatment, he may, from time to time, not oftener than once in a month, send a list of such cases to the Divisional officer with full particulars for orders. I consider that some such scale is necessary in order that the provisions of the Standing Order may be duly enforced to put down unauthorised squatting on Government land.

5. I have the honour to request you also to let me know whether the "30-days' rule" applies to a case of D memorandum, in which the land has been ordered by the Tahsildar to be assigned to the cultivator, but in which the issue of patta is deferred pending jamabandi; or whether the assessment should be collected according to the kistbandi: if the order assignment happens to be passed before the first kist month. I do not think it desirable to enforce the rule rigorously in cases in which assessed land

is cultivated with the *bonâ fide* intention of accepting patta for the same, as this would discourage extension of cultivation. All that is aimed at by the enforcement of the provisions of the Standing Order is to keep down the objectionable habit of squatting and encroaching on porambokes, and of occupying assessed land with no real intention to accept patta, and thus prevent the multiplication of sivoi-jama items.

Read—the following letter from Lieutenant-Colonel A. C. SMITH, R. E., Superintending Engineer, VI Circle, to the Chief Engineer for Irrigation, dated Trichinopoly, 11th November 1892, No. 1235 T.C.:—

With reference to your No. 29 G., dated 3rd October 1892, regarding reservation of lands by the side of irrigation embankments, I have the honour to observe that there are, in some cases, main distributaries, &c., which have no "embankments." I request that you will be good enough to let me know whether in these cases any land is to be reserved, and, if so, to what extent.

2. The Board's Resolution, No. 3469 of the 8th June 1892, and its Standing Order No. 30 alluded to therein, refer to "the embankment of an irrigation work," and no mention is made of channels without embankments; hence this reference.

3. I am of opinion that unless there is some reservation of lands on sides of the channels without embankments, it is not unlikely that cultivation will be carried on to the very berm of the channel bank. In fact, there are many cases in which the encroachment has been carried on to this extent. In these cases I think that 3 yards should be reserved so that there may be no inconvenience to the people and inspecting officers, &c.

Endorsement by Lieutenant-Colonel R. R. E. DRAKE-BROCKMAN, R.E., Acting Chief Engineer for Irrigation, dated 16th November 1892, No. 542-M.

Forwarded to the Board of Revenue (Land Revenue) with the remark that if no facilities are afforded for inspecting distributaries by having a bank or margin along them for this purpose, it can hardly be expected that they will receive that care and attention which they require, and the interests of the ryots will naturally suffer thereby.

Resolution—dated 23rd November 1892, No. 673.

In 1886 Mr. Farmer, Acting Collector of Trichinopoly, submitted, for the Board's approval, a compilation of the orders on the subject of darkhasts for lands and unauthorised cultivation, which he proposed to issue for the guidance of village and taluk officers in the district. The instructions drafted by Mr. Farmer were modified and re-arranged by the Board and circulated to all Collectors for adoption subject to

report as to their working at the end of fasli 1296. The reports submitted by Board's Proceedings, dated 1st September 1886, No. 1943.

Collectors having shown that the rules were brought into force late in the fasli, and that they should be tried for another year before a definite opinion could be formed as to their working, the Board called for further report at the end of fasli 1297 on their operation, as also on the suggestions

Board's Proceedings, dated 27th July 1888, No. 665. already made by certain Collectors in regard to them. These reports have been received, and the Board now proceeds to review them.

2. The darkhast rules do not apply to the districts of Chingleput, Malabar and Madras. The Collector of South Canara says that, as the land tenure of his district is peculiar, the rules require recasting for adoption in his district, but he has not specified the modifications he proposes. The Collector should report in detail as to the points on which he recommends a deviation from the general rules. The Collector of Tanjore states that the rules have worked well so far as formal darkhasts for assessed waste lands are concerned, but that, as the revenue system in the district

10. In his letter, dated 10th October 1892, the Collector of North Arcot proposes to lay down a scale of prohibitory assessments to be charged by Tahsildars in all ordinary cases subject to the approval of the jamabandi officer, the Board considers that the proposal is inadvisable. The requirements which determine the amount of penal assessment to be imposed vary almost infinitely, and the Board thinks that each case should be dealt with on its merits by the Divisional officer. The monthly statement referred to in paragraph 20 of the draft Standing Order if punctually obtained and disposed of, will, far from "involving an appalling increase of correspondence" as Mr. LeFanu anticipates, save trouble in the long run. It is easier and more methodical to deal with cases month by month as they are reported than all together at jamabandi. The contrary can only be the case if the work at jamabandi is carelessly hurried through.

11. Mr. LeFanu, in the same letter, raises the question of payment of the whole amount of assessment on lands occupied without application within 30 days after they are fixed, and points out that as the assessment is fixed at jamabandi, the order results, in practice, in the collection being deferred till 9 or 10 months after the ryot has cultivated the land. This difficulty will be obviated if cases are disposed of month by month. Mr. LeFanu further proposes to make an exception in favour of cases of unauthorised occupation of an unobjectionable character, but the Board is unable to accept this suggestion. The proper method of obtaining land is to darkhast for it, and squatting without darkhast is frequently resorted to, to get a claim of possession as against others having preferential rights; a squatter should therefore be *slightly* penalized as compared with the man who applies before he occupies.

12. The Board has taken this opportunity of re-writing the whole of Standing Order No. 30, which, as it at present stands, is illogical, confused and badly arranged; illogical because, while its heading is "Disposal of assessed lands," it deals also with unassessed lands and porambokes, confused and badly arranged, because the paragraphs follow each other on no fixed principle, and (chief defect) because there is no proper enumeration of the lands, the disposal of which on darkhast is either entirely or *prima facie* objectionable. These cases are either scattered about the Standing Order itself (paragraphs 11, 26 and 31) or have to be gleaned from other Standing Orders, e.g., Standing Orders Nos. 3, 5, paragraphs 6, 7 and 13, Standing Order No. 12, paragraph 4, Standing Order No. 13.

13. The Standing Order, as rewritten, is subjoined for the approval of Government (Appendix B), with authorities quoted on the margin of each paragraph for convenience of reference and with the following explanatory remarks:—

Heading of the Standing Orders.—The present heading is "Disposal of assessed lands."

As the Standing Order deals with the disposal on patta of unassessed as well as assessed lands, this heading has been altered into "Grant of lands for cultivation."

Paragraph 1.—This paragraph affirms the general proposition that pattas of unoccupied assessed lands may ordinarily be granted by the Tahsildar subject to certain exceptions.

Paragraph 2.—All cases in which the grant of lands for cultivation on ordinary application is *prima facie* objectionable are grouped together in this paragraph with reference to the remarks contained in paragraph 12 above.

Paragraph 2 (1).—This is based on paragraph 26 of the present Standing Order, but the second sentence and the words "to whom the party should apply in the first instance by petition bearing a half-rupee Court-fee stamp" in the first sentence are new. The former has been added to prevent the fact of the reservation being overlooked. As regards the latter, the rule exempting applications for lands from stamp duty applies only to assessed lands ordinarily assignable for cultivation, while in other cases the applications have to be stamped under article 1 (b) of schedule II of the Court Fees Act. This is now made clear.

Paragraph 2 (vii).—This is taken from paragraph 4 of Standing Order No. 15. The word "minerals" has been added with reference to paragraph 3 of that Standing Order.

Paragraph 4.—The sentence regarding applications by relatives of village officers has been added with reference to paragraph 4 above.

Paragraph 5.—(1) In the second sentence of this paragraph, the entry of applications in a register (C) has been provided with reference to Board's Proceedings, dated 23rd November 1892, No. 672.

(2) The last sentence of paragraph 5 of the existing Standing Order has been omitted. In these days of Imperial and District Posts village officers can well send the A memorandum to the Tahsildar direct. Moreover the rule is likely to give rise to fraud in cases where the applicant is not the person in whose favour patta is recommended by the village officers.

(3) In the same paragraph the following additions have been made to the instructions regarding the attestation of A-1 notice:—

(a) To adjacent landholders, as preferential attestees, other persons possessing prior darkhast right have been added, as it is desirable that these also should be aware of the application.

(b) Where the persons having prior claims are illiterate, any two other respectable inhabitants may attest.

(c) In cases where the notice is not attested by the preferential claimants owing to their non-existence or illiteracy, the reason should be explained at the foot of the notice by the village officers.

A statement showing the names of adjacent landholders has been prescribed for submission with the A memorandum. Such lists are, it is believed, now very generally forwarded, and are necessary to enable the Tahsildar to ascertain who the adjacent landholders are. Village accounts Nos. 2 and 10, with the survey plan, might furnish the information; but these accounts would remain with the village officers.

Paragraph 8.—The word "ryot" has been replaced by "pattadar" as proposed in paragraph 6 above.

The proviso to this paragraph is based upon paragraph 13 of the existing Standing Order, but goes beyond it by debarring the relinquishing ryot from *all* preferential claim, except as a prior applicant, while the existing Standing Order would allow him to claim under clauses (1) and (2). The Board thinks that he should forfeit his claims under these two clauses also by his relinquishment.

Paragraph 11.—This embodies the suggestions of the Chief Engineer for Irrigation accepted in Board's Proceedings, dated 8th September 1892, No. 502, copy of which has been sent to Government, and the further suggestion contained in his letter of the 16th November 1892.

Paragraph 12.—This paragraph is new and has been inserted with reference to the remarks contained in paragraph 9 of this Proceedings.

Paragraph 14.—This follows paragraph 23 of the existing Standing Order as revised in correction slip No. 30—7 (Government Order, dated 19th July 1892, No. 738). The first sentence of the latter has however been omitted, as the instruction is given more clearly in paragraph 15 of the draft Standing Order. The words "by the Tahsildar" in the penultimate sentence have also been omitted as unnecessary.

Paragraph 15.—This follows paragraph 25 of the existing Standing Order as set forth in correction slip No. 30—7 referred to above, with the addition at the end of correction slip No. 30—6 (Board's Proceedings, dated 10th June 1892, No. 280), which was omitted in correction slip No. 30—7 with reference to the first sentence of paragraph 23 of the existing Standing Order. As correction slip No. 30—6 is, however, clearer, it is proposed to embody it at the end of the paragraph.

Paragraph 16 follows, with a slight re-arrangement, paragraph 24 of the existing Standing Order. The last sentence has been newly added with reference to the remarks in paragraph 9 of the present Proceedings.

Paragraph 17 is based on paragraphs 21 and 22 of the existing Standing Order, but the portion of the latter paragraph requiring Tahsildars to check village files of A and D memoranda with the taluk register has been relegated to paragraph 26 of the draft Standing Order.

Paragraph 18 deals with applications for unassessed lands on cultivation, and affirms the general rule that pattas for such lands may be granted at the discretion of Divisional officers.

Paragraphs 19 and 20.—As proposed in paragraph 5 of this Proceedings the A memorandum has been made, with a slight expansion of the headings, to do duty for darkhast for assessed lands and also for unauthorised occupation of such lands if they are not reserved for public purposes, and there is, therefore, no question of prohibitory assessment, and a new Form (B) has been prescribed for unauthorised occupation of all other classes of lands. If, on perusal of the B form, the Divisional officer orders the disposal of the land under the darkhast rules, then a fresh memorandum in Form A will, of course, be sent in. Nil statements have been prescribed when there has been no unauthorised occupation as a check on concealed cultivation.

Paragraph 22.—The restriction imposed on village officers in the matter of assessed lands by paragraph 3 of the Standing Order No. 16, is extended to unassessed lands also.

Paragraph 23 (1).—*Vide* remarks in paragraph 11 of this Proceedings.

Paragraph 23 (2).—This is based on paragraph 17 of the existing Standing Order. The last sentence has been added with reference to the remarks contained in paragraph 8 of the present Proceedings.

Forms under the Standing Order—A Memorandum.—The existing form has been revised as follows:—

(a) Extra columns (9 and 10) have been opened to show details where portions of fields are applied for.

(b) Column 15 (corresponding to column 13 of the old form) has been made to show all the grounds on which applications for, or occupation of, assessed waste are *prima facie* objectionable in the order set forth in paragraph 2 of the draft Standing Order. The third sub-head of column 10 of the existing form has, it will be seen, been transferred to this column.

(c) Column 18 of the existing form has been omitted as unnecessary in an application form.

(d) As the form is also to be used for cases of unauthorised occupation of assessed lands, the necessary additions have been made in the common major column for columns 1 and 2 and in columns 3, 5 and 9.

A—1 Notice.—The old form has been retained. At the foot, however, after the words "signature of the owners of the adjacent lands," the necessary additions have been made with reference to the remarks under paragraph 5 of the draft Standing Order in regard to attestation.

Form B.—The old form D has been abolished, and a new form B prescribed for the reasons set forth in paragraph 5 above.

Form C.—This is newly prescribed with reference to Board's Proceedings, dated 23rd November 1892, No. 672.

Form D.—This is prescribed with reference to paragraph 12 of the draft Standing Order. The condition regarding the payment of the tree value has been added with reference to paragraph 23 (2) of the same.

14. It will be seen that the draft Standing Order No. 30 now proposed not only replaces the existing Standing Order No. 30, but embodies portions of other Standing Orders which are either embodied or modified. The following amendments are accordingly proposed in these Standing Orders:—

Standing Order No. 5.—Omit paragraphs 6, 7 and 13, paragraph 4 may be left, as paragraph 8 becomes meaningless without it.

Standing Order No. 13.—Omit this Standing Order altogether.

Standing Order No. 16.—Omit paragraphs 3, 4, 6 and 7, and enter as new paragraph 3 "Unauthorised occupation of assessed and unassessed lands including porambokes should be dealt with in the manner prescribed in Standing Order No. 30."

Standing Order No. 22-1.—After the words "darkhast memoranda A" insert the words "the village C register."

Standing Order No. 32.—(a) The heading should be amended by adding the words "otherwise than on darkhast." (b) In the first sentence of paragraph 1, after the words "Forest rules," insert the words "or given out on ordinary patta as provided in Standing Order No. 30."

(True Copies and Extract.)

(Signed) W. S. MEYER,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with copies of Board's Proceedings, dated 27th July 1888,
No. 665; dated 12th June 1888, No. 522; dated 21st
January 1875, No. 120; and 20th July 1874, No. 1888.
Copy to Collectors of all districts, except Madras, Chingleput and Malabar.

APPENDIX A.

ABSTRACT OF THE COLLECTORS' SUGGESTIONS TABULATED UNDER each of the Rules printed at pages 15 and 16 of Board's Proceedings, dated 1st September 1886, No. 1943.

Part I, Para. 1, Presentation of Darkhasts.—The Collectors of Ganjam, Gódvári, Nellore, Bellary, Trichinopoly and Tinnevely, the Sub-Collector of North Arcot and the Deputy Collector of Salem suggest that darkhasts should be presented only to Tahsildars or Deputy Tahsildars. The Collector of Ganjam would add Revenue Inspectors.

The general reason urged against the receipt of darkhasts by village officers is that they antedate darkhasts, and thereby place applicants to Tahsildars at a disadvantage. The Collector of Trichinopoly observes that the existence of two authorities empowered to receive darkhasts, viz., Tahsildars and village officers, must give rise to dispute, especially when one of them, namely, village officers, may easily be improperly influenced, and that it would be no real hardship to have to present darkhast in the taluk office. The Collector of Tinnevely considers that the restriction would entail little hardship on the villagers so long as unauthorised occupation without darkhast is allowed, and that there is no likelihood of cultivation being diminished.

The Collector of Nellore suggests that the darkhasts should also be presented *in person* to the Tahsildar or Deputy Tahsildar.

The Collector of Coimbatore reports that much fraud is at present perpetrated by applications being made to the Tahsildar, Deputy Tahsildar, Revenue Inspector or village officer. He proposes, therefore, that applications in a printed form should be registered only before the Sub-Registrar, who should be supplied every year with a list of Government waste available for grant. The applicant should be given an extract from the application register which itself would constitute a grant conditional on (a) verification that the land is available, and (b) payment of the value of trees to be assessed by the Forest or Revenue Department as the case may be. The Collector would obviously do away with the order of preference among applicants now followed, and give the land to the first applicant irrespective of other considerations.

The Collectors of Kistna, Kurnool and Madura, on the other hand, are in favour of the present rule of allowing village officers to receive darkhasts. The Collector of Kurnool states that the old system of allowing village officials to receive darkhasts in the first instance has been working satisfactorily, and that the proposed change would entail additional labour on the already-overworked taluk establishment and necessitate applicants travelling to the taluk officer. The evil of antedating can, he thinks, be avoided by directing village officials to send up a triplicate copy of A-1 notice to the taluk office on the day of its being posted on the chavadi, and on the land applied for, or as is still easier by directing them to fill up the first 6 columns of C register as per form suggested by him.

Darkhasts by Village Officers.—The Sub-Collector of Salem suggests that village officers should present their own darkhasts to Tahsildars, and that, in other cases, they should invariably note the relationship between them and the applicants. The Collector of Kurnool agrees with this suggestion, and would make it a separate rule under Part I.

The Collector of Vizagapatam suggests that darkhasts by village officers or by members of their families should not be allowed to be made in the villages, as in these cases the temptation to antedate applications is very strong.

The following further alterations in the paragraph are also suggested:—

Notice A—1.—The Collectors of North Arcot and Madura suggest that Notice A—1 should be in triplicate—one to be posted up in the village chavadi, another on the land applied for, and the third to be sent to the taluk with A or D memorandum.

The Sub-Collector of North Arcot proposes that, if the adjacent landholders are not able to sign, their marks should be attested by the Village Munsif. The Collectors of Trichinopoly and Madura agree.

The same officer (the Sub-Collector) suggests that in the paragraph before the words "by two respectable, &c.," the words "if there are not adjacent land holders present in the village during the whole time the notice is pending (which fact should be certified so)" should be added. The Collector of Madura agrees, but the Collector of Trichinopoly thinks that the modification is unnecessary.

The Collectors of Ganjām, Anantapur, Cuddapah, Kurnool, North Arcot, Trichinopoly and Madura propose that in cases in which the adjacent landholders are illiterate, attestation by two respectable inhabitants should be made compulsory. For this purpose, the Collector of Kurnool recommends that instead of the words "if any" in the last sentence of the paragraph, the words "or if they are absent or illiterate" may be substituted. The Collector of Ganjām proposes that a note should be inserted at the foot of Form A, that if the owners of adjacent lands be illiterate, the signatures of two respectable inhabitants should also be taken in proof of its publication; while the Collectors of Anantapur, Trichinopoly and Madura think that at the foot of the form after the words "signatures of the owners of adjacent lands," the words "if illiterate, of two respectable inhabitants" should be inserted.

The Collector of Nellore is of opinion that the signatures of two respectable inhabitants should be obtained in all cases, and he would accordingly amend the whole phrase as follows:—"By the adjacent landholders and by two respectable inhabitants of the village able to read and write."

The Collector of Tinnevely thinks that besides the owners of adjacent lands the tree-owner, well-owner or user, actual cultivator and objectors, should be required to sign the Form A—1.

Paragraph 2—Treatment of Unauthorised Cultivation.—(i). The Deputy Collector of Ganjām considers that unauthorised cultivation should not be regarded as a constructive darkhast unless the cultivator distinctly intimates (1) his desire for a patta, and (2) his willingness to pay the value of the trees, if any. The Sub-Collector of Gódvāri states that unauthorised occupation of land should be regarded as a constructive darkhast only in cases where the occupation is by a *bonâ fide* cultivator, who expresses a desire for a patta, and that in other cases the occupation should be treated as an encroachment. The Collector of Gódvāri, however, thinks that this course would swell the *sevoijama* account, which is undesirable. The Collector of Cuddapah observes that unauthorised cultivation is of two classes (1) where the ryot for some valid reason, or through indolence or ignorance, occupies land, without formally applying for it, for the purpose of cultivating it permanently or for some time, (2) where he does it merely to escape payment of assessment, if he can avoid notice, or because he knows that he cannot get patta, or desires to raise one or two crops and then abandon the land. In the latter case, if not in both cases, the Collector considers a fine should be levied before patta is granted, as this will stop the practice of cultivating tank-bed lands which are classed as assessed lands in his district. He further thinks that unauthorised cultivation should not be treated as a constructive darkhast till the second year of its occurrence, and then only if the cultivator desires a patta. A *bonâ fide* cultivator, he says, will usually, when he cultivates a second time, have sunk enough money in the way of manuring, fencing, &c., to make him wish for a patta, and if he does not desire one, no advantage is derived by forcing one upon him. The Deputy Collector of Salem remarks that the present system of recognising unauthorised occupation as constructive darkhasts will not lead to a larger number of relinquishments than under the old rules, as nothing but successive bad seasons will induce the ryots to relinquish the lands once taken up by them. He adds that the rule in this respect does not throw additional labour either on the taluk or village officials, and does not cause any complications in the accounts, and suggests that cultivation of portions of fields should be regarded as darkhasts for whole fields, unless the cultivator declares his unwillingness to take up more than he has actually occupied. The Collector of Salem, on the other hand, thinks that if entry upon land and cultivation without permission are to be deemed a constructive darkhast, Form D will tend in time to supersede regular applications for land altogether—a state of things which few revenue officers would consider satisfactory. He therefore proposes that cultivation, without darkhast, should be brought to notice monthly as even the old rules required, but merely with the view to early inquiry and disposal of such cases in the usual way, and not for the sake of ordering the grant of a patta to save *sevoi-jama* entry in the accounts, since *sevoi-jama* entries will always exist.

The Principal Assistant Collector of Ganjām and the Collector of Bellary are of opinion that a fine should be imposed on unauthorised cultivation, the latter officer adding that under the present rules Government revenue must suffer in the long run, human nature being what it is.

The Collector of Kurnool divides unauthorised cultivation into five classes:—

(1) Of assignable assessed waste; (2) of assessed waste, in which Government have a saleable interest, such as lands bought in at revenue sales, &c.; (3) of assessed waste reserved for plantations; (4) of unassessed waste available for cultivation; (5) of poramboke. Class 1 should, the Collector says, be treated as constructive darkhast for the whole field, even when a portion only is cultivated. As Forms D and A are similar, report should be made in Form A, with the fact of cultivation noted in the column of remarks. For class 2, monthly statements in Form A should be submitted, and Tahsildars empowered to levy, if necessary, extra fine not exceeding double the assessment, besides assessment on the full area, and to bring the lands to sale after harvest. For class 4 immediate report should be sent in Form D (as revised by the Collector) to

the Tahsildar, who, if he thinks that the lands can be granted, should get the assessment fixed by the Divisional officer and proceed under the darkhast rules. If unassignable, he should deal as in cases 3 and 5 (*infra*). In cases 3 and 5, village officers should send a monthly statement in Form D (revised) through the Revenue Inspector to the Tahsildar, who should get prohibitory assessment imposed by the Divisional officer, except when the land is assignable, in which case the assessment should be fixed and the Tahsildar should proceed under the darkhast rules, or, the Tahsildar may himself be allowed to impose prohibitory assessment according to a scale furnished to him once for all, only instances in which he wants to deviate from it being submitted for the orders of the Divisional officer. In cases 2, 3 and 5, assessment should be collected in lump at once, and should not be spread over kistbandi.

The Collector of North Arcot observes that the rules on the subject of unauthorised cultivation result in illimitable sub-division of the fields, and suggests that some limit should be prescribed. He adds that unauthorised cultivation of poramboke lands required for public or communal purposes need not be reported in Form D, as it is only a waste of stationery and time to do so. He thinks that it will be enough if such cases are entered in a short memorandum, explaining the nature of the poramboke, the name of the occupier, and the nature and date of the occupation, together with the village officer's opinion. The memorandum should be sent to the Tahsildar monthly, who will, after making inquiries, if necessary, forward them to the Divisional officer for orders. The Deputy Collector of Tinnevely would also confine D forms to assessed waste lands. The Deputy Collector of Ganjām suggests that in the case of applications for parts of survey fields, patta should not be granted unless the applicant pays the expenses of demarcation, no demarcation, however, being allowed in cases where the portion is under 25 cents. The Collector of Nellore proposes that separate D forms may be sent for assessed and unassessed or poramboke lands, as it is prescribed that in the latter case a reference to the higher authorities for fixing the assessment and transferring the portion to the head of cultivation (the Collector means assessed) is necessary (*vide* paragraph 3 of Part II of the rules). He further considers that, as Form D seems intended only for case of occupation for cultivation, and as there is no form for occupation for other purposes, such as plantations, &c., this form may be made a general one for all kinds of occupation without formal darkhast.

The Collectors of Kistna and Madura agree with Mr. Sewell (Collector of South Arcot) in his suggestion that Tahsildars should be allowed to dispose of cases of unauthorised cultivation as darkhasts without reference to the Divisional officer, except upon appeal duly preferred to the latter; and that the Divisional or Settlement-officer should confine himself to those cases only wherein the Tahsildar has allowed cultivation to remain under *sevoi-jama*. The Collector of Tinnevely considers that Tahsildars should treat the occupation as a darkhast of the date of entry in the accounts, and that there is no reason to delay the matter for the final orders of the Settlement-officer. The Sub-Collector of North Arcot and the Collectors of Cuddapah and Madura suggest that in the case of encroachments a monthly statement be submitted by village officers to Tahsildars, and by the latter to Divisional officers for orders then and there, instead of deferring disposal until the *jamabandi*. The Trichinopoly Collector says that this is being done in his district.

The Collector of Vizagapatam suggests that village officers should be required to send D form every month whether there is cultivation or not, a *nil* statement being sent when there is no cultivation. Such a rule, he says, would ensure the prompt reporting of unauthorised cultivation.

Paragraphs 1 and 2—Submission of A and D Forms.—The Deputy Collector of Ganjām and the Collector of Vizagapatam suggest that Forms A and D should be sent to the Tahsildar through the Revenue Inspector—a most useful officer, who knows much more about the villages than the Tahsildar can be expected to know, but who is completely ignored by the rules as they now stand. The Collector of Gódvāri and the Sub-Collector of South Arcot recommend a similar course in regard to the D form alone. The Collector of South Arcot, on the other hand, thinks that the memorandum should be sent first to the Tahsildar, and after entry in the taluk register of darkhasts should be transferred to the Revenue Inspector for inspection. This course, he says, will operate as a check on the Revenue Inspector.

Paragraphs 3 and 4—Memorandum A.—The Collectors of Nellore, Madura and Cuddapah suggest that the successful darkhastdar should be required to sign column 18 of the A form in token of his having taken possession of the land. The Collector of Trichinopoly reports that this is not required.

The Collectors of Ganjām and North Arcot propose that column 18 of Form A may be omitted, as the Revenue Department does not undertake to give possession of the land; but the Collector of Trichinopoly thinks that there is no harm in the retention of this column, and that it does not matter if it has to be left blank.

The Collectors of Gódvāri and Anantapur and the Deputy Collector of Salem suggest that the heading of column 18 may be altered into "the date of communication of the Tahsildar's order to the parties concerned" (the Collector of Anantapur requiring the alteration to be made in the D form also). The Collector of Madura, on the other hand, would alter the heading as follows:—"The date on which the order was communicated to the successful applicant and his signature in token of his having received the order," while the Collector of Tinnevely would require the signature of the successful, as well as the unsuccessful, applicants in token of the result having been communicated to them.

The Collector of Ganjām suggests that in the A memorandum two columns should be added, one to show the date on which the village officers despatch it to the taluk office, and the other the date on which it is sent back after disposal to the village officers.

The Collector of Trichinopoly agrees with the Collector of Madura in his suggestion that a new column should be opened after column 8 of Form A to show whether the land applied for was left waste or cultivated, and if cultivated by whom and what portion thereof.

Forms A and D—Opening of new columns.—The Collectors of Ganjām and Madura think that new columns should be opened for entering the extent and assessment of the whole field (when parts only are applied for or cultivated), instead of having to furnish the information in the column of general remarks. The Collector of Trichinopoly, however, states that this would make the forms more bulky.

Columns 7 and 8.—The Collector of Kurnool suggests that in columns 7 and 8 extent and assessment of the whole field should be entered, the extent and assessment of the part applied for being shown in new columns which should be opened for the purpose. The Collector of Tinnevely suggests that column 7 should be sub-divided to show extent (1) of the whole field, (2) the part already occupied, and (3) that now applied for.

Column 9.—The Collector of Nellore thinks that in this column all particulars necessary to check the value of trees and buildings may be given in addition to number and description.

The Collectors of Anantapur, Madura and Bellary suggest that the girth of trees on the land should be entered. The Deputy Collector of Ganjām and the Collector of South Arcot, on the other hand, propose that the estimated quantity of trees should be given in bandy loads instead of number, description or girth, which entail much work; but the Collector of Ganjām considers that this suggestion is not good. The Collector of Trichinopoly is of opinion that it would be more advisable to substitute "girth of all trees over—inches," the minimum size being settled by the Collector of each district, and suggests that the estimated quantity may be allowed to be given in cart loads and head loads as an alternative method of describing the growth. The Collector of North Arcot observes that the column should provide for the estimated quantity (in cart or head loads) of trees being given, and whether any of the trees are held on patta, and, if so, by whom. The Deputy Collector of Salem suggests that the girth of the trees and the quantity of timber in bandy loads should be given, as in many instances the charge is made without reference to the size of the tree and the value of the timber. The Collector of Kurnool reports that information on the following points should be noted:—(a) thickness of the girth and length of the trunk, (b) height of the tree, (c) probable quantity of wood in bandy loads, (d) distance between the jungle and the village, (e) if fruit trees, average value of yearly produce, and (f) whether the applicant or cultivator is willing to pay the value of the trees as settled by Tahsildars or the District Forest-officer. The Collector of Madura thinks it unnecessary to note the last-mentioned item, as the assignment is proposed to be made conditional on payment of the value of trees.

Column 10.—The Collectors of Ganjām and Trichinopoly propose that the heading of the column should be modified as follows:—(1) whether a right of way is necessary, and (2) whether the land is within 22 yards of the central line of a road, or within 25 yards of the foot of an irrigation embankment, and if so, what extent should be deducted, (3) whether the land has been occupied for 18 months and adjoins a reserved forest or an unreserved block of 100 acres or over. The Collector of Madura remarks that no practical difficulty has been found in filling up the column as it stands at present.

The Collector of Nellore thinks that a brief explanation should be given of the necessity for the right of way, and whether that right of way is only to adjacent lands or to any other village, tank or drinking-water pond, &c., and whether the way is marked in the survey plan. He adds that it may also be stated in the column whether the land applied for or entered upon without permission is within 22 yards of the central line of a road. The Collector of North Arcot considers that the column should be so modified as to show whether the land is within 25 yards from an irrigation work, or 22 yards from the centre of a road, or half a mile from a railway station. The Collector of Kurnool suggests that the first question "whether a right of way is necessary" may be omitted, because in fixing the assessment, allowance from the net produce was made on that account.

Column 12.—The Sub-Collector of North Arcot and the Deputy Collector of Ganjām think that column 12 should be omitted as being unnecessary; but the Collector of Trichinopoly is of opinion that the column is very necessary as it holds the officer signing the form responsible on this point.

Column 13.—The Collector of Anantapur suggests that column 13 should show whether the land contains bangle-earth or other mineral on which a seignorage is leviable, and that in the case of Form D it should also contain the following additional conditions, whether the party who has cultivated the land is a village officer, or whether it is cultivated for a village officer, or whether the cultivator is a relative of the village officer.

The Collector of Trichinopoly approves of the suggestion of the Kistna Collector that an entry should be made in column 13 of the D form as to whether the cultivator is a village officer.

The Collector of Kurnool thinks that the entry regarding relinquished lands should be omitted as such lands must be sold under Board's Proceedings, No. 2972 of 1879, before relinquishments are accepted.

Column 19.—The Collector of Madura suggests that in cases where parts of survey fields are applied for or cultivated, the fact of their being durably demarcated should be noted in the column.

Column 11 of Form D.—The Collector of Tinnevely suggests that in order to prevent unnecessary relinquishments when the occupant does not want patta, the fact should be noted in the column.

General suggestions under Forms A and D.—The Collector of North Arcot reports that certain suggestions are made by the various officers of his district to open fresh columns in A and D forms to show (1) whether the field applied for is cultivated or waste, (2) whether it is a whole survey field or a portion of one, (3) whether the cultivator or occupier is a village officer, &c., and that though these suggestions are no doubt good and would be convenient for reference, he is against the forms being made more elaborate and unwieldy and thinks that the information can be given in the column of remarks.

The Deputy Collector of Salem considers that A and D forms should be given the widest publicity in the village by being tom-tomed, and by affixing a copy to the village chavadi. A certificate of publication under the joint signature of the karnam, the munsif and two respectable inhabitants able to read and write should, he thinks, be made indispensable.

The Collectors of Bellary, Trichinopoly and Madura suggest that when the land applied for or cultivated forms part of a survey field, a sketch showing the relative portions of the occupied and unoccupied portions should be forwarded with form A or D. The Collector of Tinnevely would have the sketch forwarded, whether the land applied for or cultivated is a portion of a survey field or the whole field itself; in the latter case, the adjacent lands and the names of their owners should be shown.

Part II, Paragraph 1.—The Collector of Tinnevely suggests that Board's Proceedings, dated 11th October 1887, No. 677, prescribing the procedure to be observed in darkhast appeals may be quoted on the margin of the paragraph.

Paragraph 2.—The Collector of Kurnool suggests that this paragraph may be transferred to Part I.

Paragraph 3.—The Collector of Kurnool thinks that this paragraph should be altered with reference to his suggestions for the treatment of unauthorised cultivation.

Paragraph 4.—The Principal Assistant Collector of Vizagapatam observes that the reference to an officer in charge of an irrigation work, the embankment of which is within 25 yards of the land, is unnecessary, as paragraph 12 absolutely forbids such lands being given on patta.

The Head Assistant Collector of Kistna asks for a rule fixing the distance from forest reserves beyond which lands may be granted without reference to the District Forest-officer.

The Collector of Bellary considers that when the land does not adjoin a reserved block, reference to the Forest-officer is unnecessary; while the Collector of Kurnool is of opinion that reference to the Forest-officer will become unnecessary, if the work of reserving lands for fuel and fodder is complete, and if it is then decided once for all whether any extension is necessary.

Paragraph 5, Clause I.—The Collector of Kurnool observes that the words "or if a well exists, the ryot who has been using the well-water, &c.," in clause I of the paragraph are unnecessary, as under Board's Proceedings, dated 1st August 1885, No. 2245, persons using old wells on Government waste were given an opportunity of taking up such waste on patta, failing which they have lost their preferential claim. Under the present rules, he adds, a ryot cannot dig a well on land which is not private.

The Deputy Collector of South Arcot suggests, and the Collector agrees, that clause I may be amended thus:—"If scattered trees on the darkhast land are already held on patta, or if a well, or a house, or a burial-ground, or an indigo vat, exists on the land, the holder of the tree patta, or the ryot, or person or persons who have been using the well and burial-ground, or those who occupy the house, &c., should have preference."

Clause 3.—The Deputy Collector of Ganjām and the Collectors of North Arcot and Madura suggest that the holder of a portion of the same survey field may have preference over that of an adjacent survey field. The Collector of Ganjām, however, does not agree. The Collectors of Trichinopoly and Kurnool consider that the introduction of this rule is unnecessary, as the portions of the survey field, when demarcated and sub-divided, become to all intents and purposes separate fields.

The Principal Assistant Collector of Vizagapatam and the Collectors of Cuddapah and Coimbatore consider that clause (a) should be done away with. It is very rarely, says the Principal Assistant, that the holder of the adjoining land is the first applicant; he invariably comes forward with his application after every one else has applied, and his object is merely

to keep others out of possession, so that he may have a piece of waste land conveniently near his own field to graze his cattle on. The Collector of Coimbatore would do away with clause (b) also.

The Sub-Collector of Gódvári suggests that clause (a) should be waived in favour of the first applicant who is a ryot of the village; but who has no adjacent holding. The Collector says that this may be done if the first applicant has occupied the land for *bona fide* cultivation. The Collector of Vizagapatam also acquiesces in this suggestion, adding that the objection of the Collector of Kistna to "land-grabbers" would not extend to men who already hold land on patta. The Collector of Tinnevely thinks that far too much consideration is paid to adjacent landholders, and proposes the following order of preference:—

- (1) Holders of assessed trees on the land applied for.
- (2) First applicant.
- (3) Where applications are of the same date—
 - (a) Applicant for whole field,
 - (b) Adjacent landholder,
 - (c) Resident ryot.

The Collectors of Kurnool and Madura consider that it would be unfair to remove clause (a) altogether, as the ryots have been enjoying the right from time immemorial. The former Collector proposes the following addition:—"To a ryot whose land adjoins, if the land applied for is unoccupied only during the two preceding fasli years; if it was unoccupied for more than two years, no preferential claim on the part of the adjacent landholder should, he says, be admitted.

The Collector of Coimbatore observes that the right being one of some value, it should not be done away with without a year's notice.

The Collector of Trichinopoly thinks that extreme minuteness in defining the comparative rights of various darkhastdars would be a mistake; that in many cases the words "as a general amendments and modifications, and that the present rules have worked well and may be retained.

The Collector of Kistna states that it is desirable to encourage all resident villagers to become landholders, and, on this ground, he proposes to read "resident of the village" instead of "ryot" in clause (b). He adds that the lower classes are now rising in the social scale, and should be encouraged rather than impeded in their efforts to acquire land.

With reference to Mr. Mullaly's suggestion that an occupier for *bona fide* cultivation, though without darkhast, should have precedence over one whose land adjoins, the Collector of South Arcot remarks that it would be compelling the ryot to acquire land when he has enough already, merely to keep off inconvenient neighbours, and the rule is not therefore advantageous. The Collector of Madura, however, thinks that the rule is a very good one, and that if it were adopted, no cultivable land would be needlessly left waste.

Mr. Arundel suggests that when two persons with equal rights on all points apply for portions of fields, and it is undesirable to leave the remainder unassigned, the whole field should be divided among them. The Collector of Madura does not agree for the reasons that, in the first place, it will be a difficult matter to decide when it will be undesirable to leave the remainder of the survey field unassigned, and that, secondly, it is unreasonable to compel a man to take what he does not want. The Collector of Kurnool is of the same opinion for the second reason.

Mr. Arundel also suggests that in cases where each of the applicants applies for the whole field, and their claims are equal; or when they have adjacent holdings of varying extent, the land applied for should be divided among them. The Collector of Madura considers, however, that in these cases the land should be sold by public auction, as a division, in the proportion of holdings, might give one man only a few cents out of several acres, and would be a very different thing to a division according to extents applied for. The Collector of Kurnool also concurs with him in this view.

Paragraph 9.—The Collector of South Arcot would add the words "among the applicants" after "highest bidder" at the end of the paragraph, as he presumes that it is not the intention of Government to admit outsiders at the auction. The Collector of Kistna thinks that the closing provision of this paragraph should be enlarged: in the delta, as the distributary channels are through increasing prosperity, lands acquire, sometimes suddenly, a high value, and as the increase in value is due to State expenditure, there is no reason why this "unearned increment" should fall to the adjacent landholder. He therefore recommends the following addition:—"The Collector may in like manner order an auction sale in any other case in which he considers that the land has acquired a special value."

The Collector of Tinnevely reports that the time has come when Government should, if he says, is frequently granted for nothing, for which money would gladly be paid. To meet the objection that ryots cannot pay for the land, he states that the rules as to preference in para. 5 are framed in the interests of persons who are more able to pay than those whom Government might favour when it asks no price, viz., the landless classes.

Paragraph 10.—The Sub-Collector of North Arcot and the Collector of Madura suggest that the order of assignment should be considered subject to the following conditions:—(1) that the value of trees, wells, &c., is paid within 20 days from the date of the communication of the order to the applicant and (2) that sub-divisions are sanctioned as per rules by the Divisional officer. The Collector of Kurnool would make it conditional on the second ground. The Deputy Collector of Tinnevely would refuse applications for portions of survey fields till sub-division has been sanctioned.

The Collector of Cuddapah thinks that 20 days' time for payment of the value of trees is too small, and that one month would be better; while the Collector of Tinnevely would allow only a period of 15 days.

The Collector of Gódvári considers that it would be a harsh measure to cancel an application which has been duly sanctioned, and he therefore proposes that if the applicant does not pay within the fixed period of 20 days, the trees should be sold at public auction.

The Collector of Kurnool and the Deputy Collector of Salem suggest that the value of trees should be collected under Act II of 1864 in the same way as arrears of revenue. This course, the Deputy Collector of Salem remarks, would avoid complications in accounts.

The Collector of Trichinopoly considers that the suggestion of the Collector of Madura to provide for the recovery of the value of any well in the land darkhasted for, in addition to that of the trees, is unnecessary, as such cases will be rare and may be settled by sale by auction.

The Collector of Salem thinks that the rule providing for the recovery of the value of trees is very hard upon the poorer ryots, as payment is the rule and reservation the exception under the Forest rules in force. Collectors, he says, should have more discretion to allow reservation of trees in any case they think fit, and not only in special cases.

Paragraph 12.—The following addition is proposed by the Collector of Kistna:—"Unless the Public Works Department certify that it is not required" (*vide* also paragraph 4).

General.

The Collectors of Ganjám, Nellore, Cuddapah, Anantapur, Kurnool, North Arcot, Trichinopoly and Madura, and the Deputy Collector of Salem suggest that orders passed in darkhast cases should be communicated to the successful as well as the unsuccessful parties in the form of a short endorsement—the Deputy Collector of Salem considering that the communication should be taken as equivalent to putting the successful applicant in possession.

The Collector of Kurnool proposes the following form of endorsement:—
"Rami Reddi of Nandyal is informed that his application for _____ has been ^{accepted} ~~rejected~~, or that his cultivation or occupation of No. _____ has met with the imposition of Rs. _____ assessment."

The Collector of Salem is of opinion, that copies of orders in darkhast cases, whether original or appeal, should be communicated direct to parties, and the Collector of Tinnevely thinks that no darkhast should be disposed of except in open Kacheri after due notice issued to all concerned.

The Collectors of Ganjám, Trichinopoly and Madura suggest that in cases where the Deputy Tahsildars are the disposing officers, the papers disposed of by them in cases of darkhasts, or unauthorised cultivation, should be forwarded to the Tahsildars either once a month or immediately. The Collector of South Arcot considers that it would be enough if the Deputy Tahsildar's register of darkhasts alone is sent, and not the records.

The Collector of Nellore thinks that it is necessary that the old C register of darkhasts should be maintained in the village, to enable the Tahsildar or Divisional officer to check whether all the applications have been duly entered.

The Collector of Kurnool suggests that Board's Proceedings, dated 24th February 1888, No. 93 (Settlement), may be cancelled so far as concerns the C register, and the revised form submitted with his letter may be substituted for statement No. 3 and its enclosure A of the Village Manual.

The Collector of Tinnevely suggests that the extent of land a Tahsildar or his Deputy can dispose of should be limited to 50 acres, and that larger areas should be dealt with by Divisional officers.

APPENDIX B.

STANDING ORDER No. 30.

Grant of lands for cultivation.

Sanction to take possession of pattas for unoccupied assessed lands may ordinarily be granted to applicants by the Tahsildar* on his own authority under the following rules and subject to appeal as hereinafter provided, unless such

lands fall under one or other of the classes specified in the following paragraph.

* In the whole of this order, the word "Tahsildar" includes also Deputy Tahsildar acting within his own division.

2. *Lands, the grant of which for cultivation on ordinary applications is prima facie objectionable.*

(i) *Lands reserved as required for public purposes.*—Applications for land, which, although assessed, has been reserved for Government, village, or other special purposes, are not to be entertained by the village authorities or the Tahsildar without the express permission of the Collector or the Divisional officer to whom the party should apply in the first instance by petition bearing a half-rupee Court fee stamp. Such lands should be entered as reserved in the paimash or settlement register and in the village adangal.

Standing Order No. 30, paragraph 26.

(ii) *Lands within Forest reserves.*—When any land has been set apart as reserved under rule 2 of the rules under section 26 of the Forest Act, the survey number of that land should be entered as reserved in the appropriate column of the paimash or settlement register and of the adangal of the village, and no patta granted for such land will be valid unless it has been granted with the special sanction of the Board of Revenue, to be recorded on the face of the patta. The possibility of a fraudulent enfacement on the patta must be guarded against.

(iii) *Lands in the vicinity of Forest reserves.*—If land has been unoccupied for eighteen months and adjoins a reserved forest or an unreserved block of 100 acres, the District Forest-officer should be addressed as to whether there is any objection to its grant on patta before any application for it is entertained.

Standing Order No. 30, paragraph 31.

Proviso.—This condition does not apply to districts or taluks in which the proposals for reservation for forest purposes are complete.

(iv) *Lands containing topes or valuable trees or trees held on tree-patta.*—(a) Where any land contains large groups of palmyrahs or fruit trees, or valuable timber trees, whether growing spontaneously or artificially, it will generally be desirable to keep the ownership in the hands of Government for abkari or other purposes. Tahsildars should, therefore, use considerable discretion in alienating such lands, and should, in all doubtful cases, obtain the orders of the Divisional officer.

Standing Order No. 5, paragraphs 7 and 13.

(b) When an application is made for waste land containing trees which are held on tree-patta, and the tree-tax exceeds the land tax, the darkhast should be refused.

Standing Order No. 5, paragraph 6.

(v) *Waste lands within and in the vicinity of towns.*—These should be dealt with as provided in Standing Orders Nos. 3 and 34.

Standing Orders Nos. 3 and 34.

(vi) *Lands in the vicinity of Railway stations.*—As much inconvenience is entailed by lands in the vicinity of railway stations being given over to private individuals, Collectors should, under no circumstances, dispose of any Government land for private occupation of any kind within half a mile (880 yards) of the boundary of the railway station land without the sanction of the Board in each individual case, and they should give their Taluk subordinates to understand that they are prohibited from permitting any such occupation without special orders, and that they will be held personally responsible for any unauthorised occupation whether by their act or neglect. The sanction of the Board above referred to will not be given unless, for special reasons, the Railway authorities are in favour of the grant. Such lands should be registered as reserved in the village accounts.

Standing Orders Nos. 13 and 13-1.
Government Order in Board's Proceedings, dated 20th June 1882, No. 1583.

(vii) *Waste lands containing minerals, quarries, &c.*—Waste lands containing valuable minerals or quarries of building-stone, &c., should not be granted for cultivation on patta. Any application made in respect to such lands should be referred by the Collector, with full particulars and suggestions, for the orders of the Board.

Standing Order No. 15, paragraph 4.
Standing Order No. 30, paragraph 26.

(viii) *Relinquished lands.*—Lands relinquished with arrears due thereon should not, where they are valuable, be granted on darkhast, but should be sold as provided in paragraph 5 of Standing Order No. 31.

Standing Order No. 31, paragraph 5.

(ix) *Lands sold for arrears of revenue and bought in by Government.*—These will be dealt with as set forth in Standing Order No. 110, paragraph 3.

Standing Order No. 110, paragraph 3.

Standing Order No. 12, paragraph 4.

(x) *Lands acquired by Government for public purposes on payment of compensation, but not now required.*—These should be dealt with under Standing Order No. 12.

(xi) *Tank-bed lands and lankas.*—Tank-bed lands should be dealt with as set forth in Standing Order No. 18-1, and lanka lands in Gódvári and Kistna will form the subject of special leases.

Standing Order No. 18-1.
Board's Proceedings, dated 20th July 1874, No. 1838, and 21st January 1875, No. 120.

Standing Order No. 33.

(xii) *Assessed waste lands on the Nilgiris, &c.*—Assessed waste lands on the Nilgiris and Shevaroy Hills and in the Wynaad should be dealt with as provided in Standing Order No. 33.

RULES FOR THE DISPOSAL OF UNOCCUPIED ASSESSED LANDS ON DARKHAST.

3. Applications for assessed lands must be in writing and must clearly specify the land desired. They may be presented on plain paper, and may be given in at any time of the year; but no application can be received except for land which is actually at the time unoccupied, or has then been relinquished. Applications can, however, be received for lands which have been occupied without proper sanction. No notice should be taken of conditional darkhasts.

Standing Order No. 30, paragraphs 2, 9 and 14.

4. Applications for ordinary assessed land may be made either to the village authorities or to the Tahsildar; but the disposal of such cases, subject to the necessary appeal, rests always with the Tahsildar. Applications by village officers and their undivided relatives must, however, always be made to the Tahsildar in the first instance.

Standing Order No. 30, paragraph 4.

5. When an application for land is made, in the first instance, to the Tahsildar, it is to be referred by him to the village authorities for report. On the receipt of the application by the village officers, either direct or through the Tahsildar, it should at once be entered in register C given in the appendix and the fact of the application published in the village choultry, of tom-tom, and a notice of it in Form A-1 (in the appendix) posted up in the village choultry, and on the darkhast land for fifteen days. At the end of that period a memorandum in duplicate (Form A in appendix) should be prepared and sent to the Tahsildar without delay, together with the notice (Form A-1), which should be signed by the monigar and the karnam and attested by at least two other persons in token of such publication. The attestees ought to be persons holding adjacent lands or other persons having prior claims under paragraph 8 *infra*. If there are none of these, or they are illiterate, any two other respectable inhabitants may attest. But in this case the reason for the adjacent landholders, &c., not attesting should be explained at the foot of form A-1. The memorandum should also be accompanied by a list in form A-2 (in the appendix) showing adjacent landholders.

Standing Order No. 30, paragraph 5,
Board's Proceedings, dated 23rd November 1892, No. 672.

6. Subject to the provisions of Standing Order No. 28, sub-division of survey fields is to be permitted without restriction for the purposes of darkhast, but, as stated in paragraph 8 below, darkhasts for whole survey fields will have the preference over darkhasts for portions only.

Standing Order No. 30, paragraph 23.

7. If the village officer's report shows that no objection exists to the grant of the land applied for on patta, and there is only one applicant therefor, the land should be granted to him on his complying with the conditions set forth in paragraph 23 *infra*. If there are several applicants, the Tahsildar should decide which of them is entitled to preference and should grant the land accordingly, subject to the conditions referred to in paragraph 23 below.

Standing Order No. 30, paragraph 12.

Standing Order No. 30, paragraphs 12 and 13, paragraph 13 being modified so as to take all preferential claims, except as regards priority of applications, from the relinquishing ryot.

8. As a general rule, preference between two or more applicants should be in the following order:—

(1) If scattered trees on the darkhast land are already held on patta, or if a well exists on the land, the holder of the tree-patta or the ryot who has been using the well-water for cultivation should have preference.

(2) Darkhasts for whole survey fields will have the preference over those for portions only.

(3) In the absence of claim on either of the above grounds, preference will be given in the following order:—

- (a) to a pattadar of the village whose land adjoins;
- (b) to the first among the applicants who is a pattadar of the village;
- (c) to the first applicant in the absence of any of the above privileged persons.

Provided that a ryot through whose relinquishment the land became unoccupied and liable for allotment can have no preferential claim except as a prior applicant.

9. The above are general rules, and may be departed from in special cases when considerations of equity require it, but not otherwise. In such cases full reasons for the decision should be clearly stated in column 18 of the village officers' memorandum.

Standing Order No. 30, paragraph 15.

10. When a road runs through the land darkhasted for, the extent required at a maximum width of 44 yards should be deducted, and the remainder assigned for cultivation.

Standing Order No. 30, paragraph 18.

11. Similarly, when the bank of an irrigation work runs through or near the land, the extent of land required to allow a 25 yards' margin along the foot of the embankment should be deducted if the irrigation work is an important one, such as a main canal, a main distributary, or a main channel. In the case of sub- or minor- distributaries or minor drains, a margin of 6 yards will be sufficient. Detailed lists of both the classes of works above referred to will be furnished by the Department of Public Works; but, if in any case the irrigation work concerned is not found in either list, a margin of 25 yards should be reserved, or reference made to the Executive Engineer. In cases of channels without embankments a margin of 3 yards should be deducted. The land deducted as above should be shown in the accounts as tank or channel poramboke as the case may be.

12. Orders passed in darkhast cases should at once be communicated by the Tahsildar to all the parties concerned. Printed endorsements in the form D given in the appendix may be used.

13. When assessed waste land is darkhasted for under these rules by two or more persons, and the Tahsildar, Divisional officer, or Collector, as the case may be, is unable to decide which of them has the best claim to have the land

Standing Order No. 30, paragraph 16.

assigned to him for cultivation, the Collector of the district may order the right of occupying the land to be sold by public auction to the highest bidder. The purchaser at such auction will be liable to pay the same assessment as if the land had been assigned to him in the first instance on darkhast. Any person may bid at such auction. When land is thus sold, a provision should be inserted in the conditions of sale similar to clause 3 of section 36, Act II of 1864 (Madras) requiring the deposit by the purchaser, at the time of purchase, of a sum equal to 15 per cent. of the price, the deposit being declared liable to forfeiture should the remainder not be paid within thirty days from the date of sale.

14. From the Tahsildar's decision in darkhast cases an appeal will lie to the Divisional officer if made within thirty days. No second appeal from the decision of a Divisional officer will lie as of right to the Collector, nor will a

Standing Order No. 30, paragraph 23.

second (or third) appeal lie as of right to the Board of Revenue; but the Collector or the Board, as the case may be, may, for special reasons, admit such an appeal, provided it is received within thirty days in the Collector's office or forty days in the Board's office, reckoning as aforesaid. An appeal may also be admitted by any officer after the period of limitation prescribed in this order for that purpose when the appellant satisfies the appellate authority that he had sufficient cause for not presenting the appeal within such period, and provided that a patta has not been issued for the land under the provisions of paragraph 15 by a competent officer. As in the case of an appeal in a civil suit, the days will be reckoned from, and exclusive of, the day on which judgment was pronounced, and also exclusive of such time as may have been requisite for obtaining a copy of the decree appealed against. The date of the decision, the date of application for copy, and the date of copy being ready for delivery, should all be posted up on the back of the copy with a note of the day on which appeal time expires. Any person interested in the matter may appeal.

15. The applicant put into possession by the Tahsildar has sometimes been summarily dispossessed by order of the Divisional officer, and the person in whose favour the Divisional officer has decided has been again ousted by order of the Collector. These acts of dispossession cannot be said to be "by due course of law," and should be put a stop to. When an appeal is admitted, it will be the duty of the admitting authority forthwith to send a notice to the officer whose decision is appealed against, informing him of the fact and requiring him to send up the records and instructing him to withhold the issue of patta until the appeal has been disposed of. Patta must then be withheld accordingly, or if given, will be considered as only conditional till the appeal is disposed of. If no such requisition is received by the Tahsildar from the Divisional officer within twenty days after the expiry of the appeal time, he will understand that no appeal has been admitted, and will proceed to register the person in whose favour decision was given as entitled to receive a patta at the next jamabandi. In like manner the Divisional officer will issue a patta to the person in whose favour he has decided in the absence of a similar notice from the Collector within the same period. In cases where the Collector has

Standing Order No. 30, paragraph 25.

Standing Order No. 30—6.

passed a decision on appeal, he will be free to issue a patta in accordance therewith after waiting thirty days after the expiry of the appeal time, without having received a notice of admission of appeal from the Board's office. Provided with this patta, the person in whose favour the decision of the final appellate authority has been given must be left to sue the party in possession, if any one be in possession, and if he cannot induce him to vacate by any other lawful means. It should be distinctly understood that a patta granted by subordinate officers will be considered only conditional, and that it will be liable to cancellation by a superior authority if its grant is found to be irregular and unauthorized, although there may be no proof of fraud.

16. No appeal petition should be admitted unless accompanied by certified copies of the decision or decisions already passed in the case.

Standing Order No. 30, paragraph 24.

No District Officer should decide a case in a first appeal without giving the other party notice to appear and be heard. Furthermore, the decision, whether in English in the officer's own hand or in vernacular prepared under his verbal instructions, should be kept with the record of the case, and a copy given to parties, as a matter of course, on their application, and on payment of any necessary fees or stamp. Orders passed on appeals should be communicated to the parties concerned in writing, unless the decision was passed in their presence.

17. In no part of the Tahsildar's work are promptitude and system more important than in the disposal of darkhast cases. While on tour, he should dispose of any darkhast that may be pending in the villages visited.

Standing Order No. 30, paragraphs 21 and 22.

APPLICATIONS FOR UNASSESSED LANDS ON CULTIVATION.

18. Applications for unassessed lands on cultivation should be presented on paper bearing a half-rupee court fee stamp to the Tahsildar or the Divisional officer. The Tahsildar will then make inquiries as to whether the land falls under channel or communal poramboke, or its grant is otherwise objectionable on any of the grounds specified in paragraph 2 above. If the grant of the land on patta appears unobjectionable, the Divisional officer can pass orders directing its transfer to the head of "Ayan" or "assessed" land, and its grant on patta or its disposal under the darkhast rules. In the latter case an A memorandum should be sent in by the village officers, and the ordinary darkhast rules will apply.

UNAUTHORIZED OCCUPATION OF ORDINARY ASSESSED LANDS.

19. In cases of occupation of assessed lands without formal application, a separate memorandum in duplicate in the form (A) prescribed for formal darkhast should be sent by the village officers to the Tahsildar once a month, notice of such occupation being previously published in the village in the manner provided in regard to formal darkhasts in paragraph 5

Standing Order No. 30, paragraph 6 (modified).

Standing Order No. 16, paragraph 3.

supra, with a note in the remarks column as to whether a patta is desired or not. On receipt of the memorandum, if the latter shows that patta is desired, the Tahsildar should dispose of each case under the rules laid down in the case of formal applications. If patta is not desired, the assessment for the fasli will be charged as *sirai-jamma*. A *nil* statement should be sent for each month in which there has been no unauthorized occupation.

UNAUTHORIZED OCCUPATION OF UNASSESSED LANDS OR ASSESSED LANDS RESERVED FOR PUBLIC PURPOSES OR THE ASSIGNMENT OF WHICH IS OTHERWISE BARRED UNDER PARAGRAPH 2 ABOVE.

20. In cases of unauthorized occupation of lands falling under the above heads without formal application, a separate memorandum in Form B should be sent monthly, in duplicate, by the village officers to the Tahsildar, a *nil* statement being sent if there is no such occupation in any month. The Tahsildar should, in due course, obtain the orders of the Divisional officer, who has discretionary power (subject to the reservations specified in paragraph 2 above) to transfer the land to the head of ordinary "assessed," and then to give it out on patta to the occupier, or order its disposal under the darkhast rules. If, however, the occupation is, in the Divisional officer's opinion, objectionable, he can check it by the imposition of prohibitory assessment without limit. The orders of the Divisional officer should be communicated to the village officers in the duplicate copy of the memorandum.

Standing Order No. 30, paragraph 6 (modified).

Standing Order No. 16, paragraphs 4, 5 and 6.

21. When unassessed lands are ordered to be assigned on patta, the assessment to be charged will ordinarily be the assessment on similar land in the neighbourhood; but the Divisional officer has a discretion in the matter.

Standing Order No. 16, paragraphs 4, 5 and 6.

22. Village officers are absolutely prohibited from entering upon or cultivating assessed or unassessed waste lands whether in their own or other villages, unless such lands have been assigned to them under the darkhast rules by competent authority.

Standing Order No. 16, paragraph 3.

GENERAL CONDITIONS APPLICABLE TO ALL ASSIGNMENTS OF LAND UNDER THIS STANDING ORDER.

23. (1) The applicant must, if his application be complied with, be ready to pay the assessment on the land for the fasli in which he receives possession of it, unless otherwise specially ordered by the Talsildar. In the case of lands occupied without application, the whole amount of assessment of the land shall be payable within thirty days after the amount has been fixed by the proper authority and notified to the party concerned.

(2) Where there are trees standing on the darkhast land the assignment will be conditional on the successful applicant paying their value as settled by the District Forest-officer or under the orders of the Collector within thirty days of the order of assignment. In default the assignment will be cancelled.

(3) Applicants for demarcated land in districts where waste land has been demarcated at the cost of Government will be required before taking possession, to pay the expense which has been incurred in demarcating it, the amount being calculated on the average cost of demarcation in the taluk. If the land has been unoccupied since the date of demarcation, the entire expense of the demarcation so calculated will have to be paid by the applicant, and in the case of land which has been occupied since the demarcation, the applicant will be required to pay any balance known to be due on that account by the previous occupant. If there are no boundary marks, it will be incumbent on the applicant to place them in such manner as may be required by the village authorities.

INSTRUCTIONS AS TO THE PREPARATION OF A AND B FORMS.

24. In preparing the memoranda A and B, village officers should see that the several columns are correctly filled in:

25. *A Memorandum.*—In column 5 of the A memorandum, the land should be described as wet or dry. In filling up column 12, it should be explained why a right-of-way is required, whether to allow access to cultivable waste or for what other purpose. If an irrigation channel or the embankment of an irrigation work does not run through the land, but merely adjoins it, its distance from the land should be reported. In column 13 should be included the names of all persons who have applied for the land or who have objected to its grant to the applicant or occupier. Columns 1 to 16 should be filled in by the village officers, and the memorandum should be dated and signed both by the monigar and karnam. When the submission of the memorandum is delayed beyond 20 days from the date of receipt of the application, the cause of the delay should be explained in the remark column. For the correct filling up of the memorandum, the village officers should be held responsible. Columns 17 and 18 will be filled in by the Tahsildar, and one copy of the memorandum will be returned to the village officers, who will thereupon fill in column 19 and carry out the orders of the Tahsildar.

26. Files of A and B memoranda and the register C should be maintained by the village officers, while a register in the form No. 4 prescribed in the Taluk Manual should be kept in the Tahsildar's office. It will be the duty of the Tahsildar to have the village file of A memorandum and the C register examined and compared with the taluk register, and to submit the latter, at the time of settlement, to the officer making the jamabandi, with an attestation under his signature duly certifying that it is correct. He will also obtain the countersignature of the settlement officer to it, in testimony that it has been submitted and has been found open to no objection. It will be the duty of jamabandi officers to examine how far the above rules have been observed.

Standing Order No. 30, paragraph 30.

SPECIAL DARKHAIST RULES.

Standing Order No. 30, paragraph 32.

28. There are special rules for the disposal of lands in the district of Chingleput, which are given in the appendix.

Number and date of application or occupation.		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Name of applicant or occupier.																					
Name of the village in which he resides.																					
Description of the land applied for or occupied.																					
Survey number and letter of the land.																					
Extent of the whole field.																					
Assessment of the whole field.																					
Where part only of a field is applied for or occupied, the extent of that part.																					
Assessment of extent in column 9.																					
Number, description and value of the trees, buildings, &c., on the land.																					
Whether (1) a right of way is necessary. (2) a road or embankment of an irrigation work or a channel without embankment runs through or near the land and, if so, what extent should be deducted.																					
Names of other applicants, if any, with the nature of their claims.																					
Whether any of the applicants last held patta for the land and relinquished it and, if so, when.																					
Whether any objections exist to the grant of the land on the following grounds:— (1) Reserved for Government, village, or other special purposes. (2) Set apart as reserved under rule 2 of the rules under section 26 of the Forest Act. (3) Unoccupied for eighteen months and adjoining a reserved forest or an unreserved block of 100 acres. (4) Containing large groups of palm-trees or fruit trees or valuable timber trees. (5) Containing trees held on patta, where the tree-tax exceeds the land-tax. (The amount of tree-tax should be stated.) (6) Being within or in the vicinity of towns. (7) Being within half a mile of the boundary of a railway station. (8) Containing valuable minerals or quarries of building stone, &c. (9) Previously relinquished with arrears due thereon, but not sold, the land being valuable. (10) Retained in the register of lands purchased by Government at sales for arrears. (11) Acquired by Government for a public purpose on payment of compensation but not now required. (12) Being tank-bed or lanka lands.																					
Date of publication of notice in the village.																					
Date when received by the Tahsildar from the village officers.																					
Order of the Tahsildar and date of the order.																					
Date on which the memorandum was received back by village officers.																					
General remarks.																					

When struck out. (5 and 9), respectively, should be struck out. 2—3 and 1 in columns

Note.—When the form is used for formal application the words "or occupation," "or occupier" and "or occupied" in columns (1 and 2)—3 and (5 and 9), respectively, should be struck out. When it is used for cases of unauthorised occupation, the words "application or," "applicant or" and "applied for or" in those columns should be struck out.

A-1.—Notice of application for waste lands.

It is hereby notified that _____ of _____ village has ^{applied for} the lands shown in the subjoined schedule. Persons having objections to the grant of a ^{cultivated} patta for the lands should intimate the same to the monigar and karnam of the village :—

Schedule.

Numbers of the fields.	Extent.	Assessment.	Boundaries.
	ACS. CTS.	RS. A. P.	

Monigar.
Karnam.

Certified that the above notice was published by beat of tom-tom and was posted up at the village choultry and on the lands in question on the date specified above.

Signature of the owners of adjacent lands, or persons having prior claims, and in their absence, or if they are illiterate, the signature of any other respectable inhabitants.

(Signature) Monigar.
(") Karnam.

A-2.—List showing adjacent lands

Taluk.

[illegible]

B. MEMORANDUM.

B. MEMORANDUM.

STATEMENT showing unauthorized occupation of unassessed lands or assessed lands reserved for public purposes or the assignment of which is barred under paragraph 2 of Standing Order No. 30 in the Village of _____ in the Taluk of _____ during the month of _____

Serial number.	Description of land.	Survey number, if any.	Extent of the whole field.	Details of occupation.			By whom occupied.		How occupied—by cultivation or erection of houses, &c.	Prohibitory assessment, if any, previously imposed.	Village officer's opinion.	Revenue Inspector's remarks.	Tahsildar's opinion.	Divisional officer's order.	Remarks.
				Extent occupied.	Rate of assessment of adjoining lands.	Assessment of the extent shown in column 5.	Number of patta.	Name of the party.							
1		3	4	5	6	7	8	9	10	11	12	13	14	15	16
			ACS.	ACS.	ES. A.	ES. A.				ES. A.					

Serial No.	Whether the application was received through the taluk or direct and, in the former case, the number in the taluk register.	Date of receipt of application by the village officer.	Name of the applicant.	Description of land.	Extent.	Assessment.	Date of publication of notice.	Date of submission of A. memorandum.	Date of receipt of duplicate with orders from the Tahsildar.	Whether application was granted or refused.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

FORM D.

Rami Reddi, of

Village.
Survey number and letter of the field.
Extent.
Assessment.

village, is informed that his application for the land described in the margin has been ^{accepted} ~~rejected~~, subject to the result of any appeal that may be preferred and to the payment within 30 days of the value of the trees on the land as shown in the margin.

If no payment is made within the time fixed, the assignment will be cancelled.

TAHSILDAR'S OR DEPY. TAHSILDAR'S OFFICE,
Dated

Tahsildar or Deputy Tahsildar.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 14th February 1893, No. 66 :—

Read—the following letter from J. STURROCK, Esq., Collector of Coimbatore, to the Secretary to the Commissioners of Land Revenue, dated 30th January 1893, Ref. on No. 105-Bd. :—

With reference to Board's Proceedings, dated 23rd November 1892, No. 673, I have the honour to suggest that paragraph 2 (iii) of the draft Standing Order may be modified by the omission of the words "or an unreserved block of 100 acres."

2. Under the latest orders of Government all forest required by the department to be reserved and the remainder left available for cultivation, if it be suited for it. In the taluks of Bhavani, Satyamangalam and Kollegal, after hundreds of square miles of forest have been reserved, there still remain large blocks of waste land, and a reference to forest officers with regard to each individual case of darkhast will be a fruitful source of delay, besides affording room for other evils and throwing an immense amount of work on a forest establishment, which is far too weak for the proper discharge of really important work.

Resolution—dated 14th February 1893, No. 66.

In the letter read above, the Collector of Coimbatore proposes that paragraph 2, clause iii, of the revised draft Standing Order No. 30, submitted for the approval of Government in Board's Proceedings, dated 23rd November 1892, No. 673, should be amended by the omission of the words "or an unreserved block of 100 acres." The Board thinks that it will be sufficient to add the following proviso to the clause in question :—

"Proviso.—This condition does not apply to districts or taluks in which the proposals for reservation for forest purposes are complete."

Where the proposals are still incomplete, with reference to the revised policy of forest reservation enunciated in Government Order, dated 29th October 1890, No. 844, the clause must, the Board thinks, be retained as it now stands.

2. The Board takes this opportunity to add the following qualification to the last sentence of paragraph 8 of the Proceedings above quoted :—

"Unless the party has been actually put into possession, in which case the tree value would be recoverable under section 66 of the Forest Act if the land happens to be outside a municipality—vide rule 5 of the rules under section 26 of the Forest Act, appended to Government Order, dated 21st January 1890, No. 54."

(A true Copy and Extract.)

(Signed) F. LEVY,
for Acting Secretary.

To the Secretary to Government, Revenue Department.
,, all Collectors, except Madras, Chingleput and Malabar.

ORDER—dated 12th May 1893, No. 406, Revenue.

Land Revenue No. 14.

The revised Standing Order on "Darkhasts" submitted by the Board with its Proceedings read above is approved subject to the following amendments:—

(1) The heading of the Standing Order should be worded: "Grant of lands for occupation subject to payment of assessment."

(2) In paragraph 1 for the words "Pattas for," the words "sanction to take possession of" should be substituted as Tahsildars do not grant pattas.

(3) In paragraph 4, line 4, the words "their undivided relatives" should be changed into "members of their families."

(4) In paragraph 11, line 6, the word "drainage" should be inserted before the word "channel."

(5) In paragraph 14, line 7, the word "aforesaid" should be altered into "hereunder."

(6) In paragraph 15, the following substitutions should be made:—

(a) In line 9, for "issue of patta," the words "registry of the land."

(b) In line 10, for the word "patta," the word "registry."

(c) In line 15, for "issue of patta," the words "order registry in the name of."

(d) In line 22, for "a patta granted," the words "the registry ordered."

(7) In paragraph 23 (1), line 4, the word "Tahsildar" should be altered into "Collector."

(8) Paragraph 23 (2).—This paragraph should agree with paragraphs 4 and 8 of Standing Order No. 5; it should accordingly be amended as follows:—

"Where there are trees standing on the darkhast land, their value as settled by the District Forest-officer or under the orders of the Collector should be recovered from the successful applicant before he is put in possession of the land, unless the Collector thinks fit as a special case to give a patta for the land with the usufruct of the trees standing thereon."

The Government does not agree in the Board's view that the value of the trees would be recoverable under the Forest Act when the successful applicant has been put in possession of the land. The Board will observe that rule 5 of the rules framed under section 26 of the Forest Act (Act V of 1882) agrees with paragraph 4 of Standing Order No. 5 in directing that the value of the trees should be recovered before the applicant is put in possession.

2. The amendments proposed in paragraph 14 of the Board's Proceedings are also approved subject to the following remarks:—

(1) That paragraphs 6, 7, and 13 of Standing Order No. 5 should be retained; and (2) that the heading of Standing Order No. 32 should be worded as follows:—

"Sales of unassessed waste lands as freeholds."

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Board of Revenue (Land Revenue).

Exd. S. J. Pereira.

40 Copies.

Original

Govt. of {1893} Madras.
REVENUE.

Issued

Recd.

Encl

G.O., 12th May 1893, No. 406.

MAY.

Darkhasts.

The revised Standing Order on — submitted
by the Board, of Revenue, approved subject to
certain amendments.

7.11.24
13.2.05
16-12-05
3/7/09
6.10.11

No. 120.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 21st January 1875.

Read the following letter from W. S. FOSTER, Esq., Acting Collector of the
Godavery District, to J. GROSE, Esq., Secretary to the Board of
Revenue, dated Cocanada, 27th November 1874, No. 441:—

I HAVE the honor to report that Monsieur E. F. Lefaucheur of Yanam requests
that the Ballapulanka, Marrulanka, Vutalanka and Gayalukhandam, forming part
of the Korumillilanka in the Ramachendrapur Taluq, may be leased out to him
for ten years, and that Bachu Ramesami has applied to me for the Marrat
Badwalanka in the Amalapur Taluq for twelve years, both commencing with
Fasli 1285 at the average rental of the last three years. Ramesami says he holds
indigo factories not far from the lanka he applies for, and that his object in
making the application is to raise indigo on the island by improving it for the
purpose. Mr. Lefaucheur wants to grow tobacco and indigo on the islands.

2. I am of opinion that it is to the advantage of Government to lease out
these islands for a number of years. They are now sold annually, and they are
liable to be encroached upon by the river, and the purchasers take no interest
in improving them. On the other hand, they try to get out of the islands as much
profit as they can during the tenancy by removing the grass or cultivating such
portions of the islands as would endanger the islands themselves. These evils
will certainly be remedied by leasing out the islands for a number of years to
people that come forward to take them, as then they have a security in the land.
I therefore beg to recommend that the applications above mentioned may be
sanctioned, and that I may be allowed the discretion of granting applications
which may be made hereafter on the same terms, viz., at the average assessment
of the preceding three years.

3. Of course, the grant of the applications will be subject to the conditions
laid down in Board's Proceedings of the 20th July last, No. 1,888.

4. The rents of the lankas in question are shown in the accompanying
statement for a number of years.

5. I should get the land assessed before I renewed any of these leases when
their time has expired.

ENCLOSURE No. 1.—Statement.

THE Board resolve to give the Collector authority to grant leases in such cases
up to ten years, but besides the conditions laid down in Board's Proceedings, dated
20th July 1874, No. 1,888, one must be made, binding the lessees to give up any land
that may be required by the Public Works Department for conservancy purposes
without claiming compensation.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Acting Collector of the Godavery District.

Exd. W. H. French.

No. 1,888.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th July 1874.

Read the following letter from W. S. FOSTER, Esq., Acting Collector, Godavery District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cocanada, 27th June 1874, No. 197 :—

I HAVE the honor to report that Messrs. Hall, Wilson, and Co., and Bachu Ramesam, of Cocanada, have applied to me for the grant of a lease of the Pillanka Lanka (an island in the Godavery) in the Ramachendrapur Taluq for ten years from Fasli 1285, at an average rental of the past three years.

2. One of the applicants, Bachu Ramesam, held the island in question for Faslis 1282 and 1283, and has obtained it for the next Fasli (1284) for 1,025 rupees.

3. It appears that a portion of the island is covered with brushwood, and is not fit for cultivation. The applicant's chief desire appears to be to make the island more fit for indigo and tobacco cultivation, and for this purpose, considerable improvements would be necessary. At present, all the lankas in the district, the island in question inclusive, are sold annually to the highest bidders, as they are every year subject to encroachment by the river, and it is not, therefore, possible for the renters to make much improvement. As the applicants have now come forward with the intention of making such improvements, I think that the application in question may be accepted.

4. As this is an application which has never been hitherto put forward and sanctioned in the district, I beg to send it for the approval of the Board.

5. If the Board see no objection, I propose leasing the island in question to the applicants for a period of ten years, commencing with Fasli 1285, at an annual rental of Rupees 1,045, the average of the last three years.

6. I give below the rents received in different years. The decrease is doubtless due to the land being now much less than it used to be :—

					RS.	A.	P.
Fasli 1277	...	...	...	...	2,215	6	6
„ 1278	...	...	...	...	Not rented.		
„ 1279	...	...	...	...	3,280	0	0
„ 1280	...	...	...	...	Not rented.		
„ 1281	...	...	...	...	800	0	0
„ 1282	...	...	...	...	705	0	0
„ 1283	...	...	...	...	1,410	0	0
„ 1284	...	...	...	...	1,025	0	0

In the putta, I should insert clauses about planting lanka grass only with permission.

THE Collector's proposal is sanctioned, but it must be made clear that the renters are bound to obey all orders about planting grass, etc., and extending and causing accretions to the lands, and consent to be guided in all matters connected with the control of the river by the officers of the Department Public Works, whose wishes should be notified through the Collector.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of the Godavery District,

Exd. A. Grubert.

1875.

BOARD OF REVENUE,

MADRAS.

PROCEEDINGS, 21ST JANUARY 1875, No. 120.

Encl.

Received

JANUARY.

No. 120.

Lankas—in Godavery District.—Collector authorized to lease out these lankas up to ten years at the average assessment of the preceding three years. Instructions issued as to the conditions on which the leases should be granted.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

Read—the following papers :—

From the Collector of Anantapur,	dated 28th October	1887, No. 708.
" " of Arcot, North,	" 11th August	" " 392.
" " of Arcot, South,	" 20th October	" " 130.
" " of Bellary,	" 26th August	" " 2762.
" " of Canara, South,	" 28th July	" " 2286.
" " of " "	" 12th March 1888,	" " 876.
" " of Coimbatore,	" 30th September 1887,	" " 841.
" " of Cuddapah,	" 12th " "	" " 5232.
" " of Ganjam,	" 20th " "	" " 4251.
" " of Godavari,	" 10th " "	" " 103.
" " of Kistna,	" 28th " "	" " 4963.
" " of Kurnool,	" 29th July	" " 326.
" " of Madura,	" 16th August	" " 446.
" " of Malabar,	" 27th June	" " 3244.
" " of Nellore,	" 12th January 1888,	" " 74-Ver.
" " of Nilgiris,	" 15th August 1887,	" " 270.
" " of Salem,	" 13th " "	" " 1989.
" " of Tanjore,	" 31st " "	" " 494.
" " of Tinnevely,	" 3rd September	" " 565.
" " of Trichinopoly,	" 12th January 1888,	" " 9-4.
" " of Vizagapatam,	" 26th August 1887,	" " 1954.

RESOLUTION—dated 27th July 1888, No. 665.

The papers read above are the reports of Collectors on the working of the durkhast rules introduced during fasli 1296 (1886-87) under Board's Proceedings, dated 1st September 1886, No. 1943.

2. Most of the Collectors state that the new rules were brought into force late in fasli 1296, and that before they are finally revised their operation during fasli 1297 should also be considered. This is approved, and all Collectors, except those of Madras, Chingleput and Malabar, are requested to report on the working of the rules in fasli 1297.

3. A précis of the reports read above is appended to these Proceedings for the information of Collectors; the points noticed in them should be considered in the reports now to be submitted.

4. The clerical errors pointed out by the Collector of Kistna may at once be corrected by inserting the words "or Deputy Tahsildar" after the word "Tahsildar" in rule 2 of Part I, and by substituting the word "six" for the word "four" in rule 3 of Part II of the instructions printed with Board's Proceedings, dated 1st September 1886, No. 1943.

(A true Extract.)

(Signed) H. A. SIM,
Acting Secretary.

(True Copy.)

(Signed) C. CLARK,
Registrar.

To all Collectors.

Exd. W. J. Lewis.

1874.

MADRAS.

Board of Revenue

PROCEEDINGS, 20TH JULY 1874, No. 1,838.

Encl.

Received

JULY.
No. 1,838.

Pillanku Lanka island—in Ramachendrapur Taluk, Godavery District.—Collector's proposal to grant lease of — to Messrs. Hall, Wilson, and Co., and Bachu Ramesam, of Cocanada, for ten years from Fasli 1285, at average rental of past three years, sanctioned.

APPENDIX.

Précis of the Collectors' Reports.

The Collectors of (1) Ganjam, (2) Godavari, (3) Cuddapah, (4) Bellary, (5) Kurnool and (6) Coimbatore report that the rules have not been sufficiently long in operation in their districts in fasli 1296 and that they should have another year's trial before any opinion can be expressed.

2. The Collectors of Madras, Chingleput and Malabar report that the rules are inapplicable to their districts.

3. *Vizagapatam*.—The Collector, Mr. H. G. Turner, is of opinion that the rules not only help materially in the prompt disposal of cases of unauthorised cultivation, but tend to check fraud, delay or other irregularity in procedure; that the ryots in the sub-division like them; and that they will prove a decided improvement both in darkhast cases and in those of cultivation without darkhast.

4. *Kistna*.—The Collector, Mr. A. T. Arandel, states that the rules have not been sufficiently tested. He points out the following clerical errors in the rules, viz., (1) that the words "Deputy Tahsildar" have been omitted in Rule 2, Part I, and (2) that the words "four cases" in Rule 3, Part II, should be "six cases" with reference to Board's Proceedings, dated 20th November 1886, No. 2525; and suggests the following additions and alterations:—

(1) With reference to clauses 2 and 3 of Rule 5, Part II; when two persons with equal rights in all matters apply for 3 and 4 acres, respectively, out of a survey field of, say, 10 acres, and it is undesirable to have the remainder unassigned, the whole field should be divided between the applicants in the proportion of their adjacent holdings, or, in the absence thereof, in the proportion of the extents applied for by them.

(2) The same rule should hold good when each of the applicants applies for the whole field, other conditions being equal.

(3) When two or more applicants have varying adjacent holdings, other things being equal, the lands should be either given to the holder of the largest adjacent holding or divided among the several applicants in the proportion of their adjacent holdings.

Mr. Mullaly, the Sub-Collector, makes the two following remarks:—

(1) A person who occupies without darkhast for *bonâ fide* agricultural purposes should have precedence over one whose land adjoins but who does not apply, as the latter knows that the land is vacant and perhaps grazes his cattle on it but does not move to acquire it till some one else comes forward.

(2) It will be well to do away with clauses (a) and (b) of Rule 5, Part II, and give the land to the first applicant irrespective of all other rights, because these rights are often made use of by the villagers simply to keep out strangers, and thereby to maintain a virtual monopoly of the land; but the Collector objects that such a course will throw all waste land open to "land-grabbers," a class of speculators now foreign to the country. With reference to paragraph 12 of Standing Order No. 32 and column 18 of A. Memorandum, the ceremony of "putting in possession," says the Collector, should be abandoned, for, if no one is already in possession, the successful man needs no help and if the possession is disputed, the Civil Court and not the Revenue officers must be applied to. With reference to Board's Proceedings, dated 2nd November 1885, No. 3012, the Collector says that another entry should be made in column 13 of D. Memorandum, viz., whether the party who cultivated the land without application is a village officer, and the Tahsildar should be given a discretion to refuse patta if he finds that the applicant is not a *bonâ fide* cultivator or that the occupation without application is by a village officer through a worthless proxy.

5. *Nellore*.—The Collector (Dr. Maclean) suggests (1) that in the A. Memorandum two columns should be added, one to show "the date on which the village officers despatch the A. Tahsildar or Deputy Tahsildar sends back the A. Memorandum after disposal to the village officer"; and (2) that in column 18 of the A. Memorandum provision should be made for land with a view to prevent claims to remissions being put forward, as is frequently the case at present, at the time of jamabandi, on the ground that the land was not put in possession, or cases should be communicated at once to the unsuccessful parties equally with the successful; and (4) that presentation of darkhasts should be restricted to Tahsildars or Deputy Tahsildars, as such darkhasts to defeat the object of those who present their darkhasts before the taluk officials.

6. *Anantapur*.—The Acting Collector, Mr. MacCartie, states that the rules should have another year's trial, refers to his report as Acting Collector of North Arcot, and makes the following further suggestions: (1) that the words "their girth" should be inserted after "trees"

in column 9 of Forms A. and D. as that would enable Tahsildars to judge whether the value of trees has been correctly stated by village officers; (2) that, at foot of Form A, after the words "signature of the owner of adjacent lands," the words "if illiterate, of two respectable inhabitants," should be inserted, as the absence of some such safeguard enables the village officers to avoid giving due publicity to the darkhast by affixing marks at random; and (3) that applicants, both successful and unsuccessful, should be informed by a short endorsement whether their application has been granted or rejected, so that parties may at once begin cultivation or take steps to appeal, as the case may be.

7. *North Arcot*.—The Acting Collector, Mr. MacCartie, considers that the rules should have another year's trial. He submits certain suggestions and modifications proposed by the Sub-Collector Mr. Andrew, and recommends them for the Board's favorable consideration. They are—

(1) that unauthorized cultivation should be regarded as a constructive darkhast only in cases where the cultivator distinctly intimates his desire for a patta and his willingness to pay the value of the trees if any, as otherwise there will be endless relinquishments and constant changes in the different accounts, registers and pattas, and that the Tahsildars should be empowered, subject to appeal, to refuse pattas for very small extents in settled districts;

(2) that applications to Tahsildars only should be treated as darkhasts, so that village officers may not be able to antedate or hold back applications;

(3) that the notices (Form A₁) required by Rule 1, Part I (Instructions to Village officers) should be in triplicate, one to be posted on the choultry, one on the land and the third to be sent to the taluk with the A. or D. Memorandum;

(4) that in the same rule the words "if there are not adjacent landholders present in the village during the whole time the A₁ notice is pending (which fact should be certified so)" should be added after the word "or" and before "by two respectable" in order that if the village officers wish to keep the adjacent landholders in the dark it may not be always possible for them to do so;

(5) that if the adjacent landholders are not able to sign, their marks should be attested by the Village Munsif;

(6) that in A₁ notice the numbers of the pattas of the adjacent landholders should be given to enable the Tahsildar to verify their signatures and in Form A Memorandum new columns should be opened for entering the extent and assessment of the whole field (when only parts of a field are applied for), instead of having to furnish the information in the column of general remarks;

(7) that in column 9 of A. Memorandum information about the trees, &c., standing not only on the land applied for, but also on the whole field should be given in order to avoid the necessity of sending it back to the village for the information in case the applicant or any others are willing to take up the whole field;

(8) that separate columns should be opened in A. Memorandum to show which special sub number out of a whole survey field was granted on darkhast;

(9) that column 18 of A. Memorandum should be omitted as the Revenue Department do not, under the present rules, undertake to give possession of the land;

(10) that "objectors" and "objections" be substituted for "applicants" and "claims" in column 11 of A. Memorandum;

(11) that column 12 of the A. Memorandum may be omitted as being unnecessary;

(12) that similar alterations be made in Form D.;

(13) that a rule should be made to the effect that, in cases of applicants for or cultivation of part fields, the village officers should submit with A. or D. Memorandum, as the case may be, a draft sketch showing the relative positions of the parts and of the adjacent fields;

(14) that in cases of unauthorized cultivation, a rule should be made to the effect that the assessment becomes due in the month of cultivation, and may be collected on orders passed by the Tahsildar in the D. Memorandum, and the amount included in the Demand, Collection and Balance;

(15) that in the case of encroachments, a monthly statement be submitted by village officers to Tahsildars and by the latter to Divisional Officers for orders then and there, instead of deferring their disposal until the jamabandi; and

(16) that Rule 10, Part II, requires to be altered as shown below with reference to paragraph 12 of Standing Order 32:—

"The darkhast grant will be considered to be subject to the conditions—

- (1) that the value of trees, wells, &c., ordered to be paid is paid up within 20 days from the date on which the final order was communicated to the applicant and
- (2) that the sub-number rules as contained in Board's Standing Order No. 30 are satisfied and sub-divisions sanctioned by the Divisional Officer. On failure of either of these conditions, the darkhast grant will be cancelled by the officer that made it recording the reasons on the same A. "Memorandum."

4 BOARD OF REVENUE (LAND REVENUE), 27TH JULY 1888, No. 665.

8. *South Arnot*.—The Collector, Mr. Henry Sewell, points out that, in regard to the treatment of unauthorised cultivation as a constructive darkhast, the main difficulty will be in determining the exact date of occupation, as the karnam's evidence on that point will not be reliable. He suggests that the Tahsildars may be allowed to themselves dispose of unauthorised cultivations as darkhasts without the interference of the Divisional Officer, except upon appeal duly preferred to the latter, that the Divisional or Settlement Officer should confine himself to those cases only wherein the Tahsildar has allowed the cultivation to remain under sivayjamma and that the village officers should ascertain and report in the A. or D. Memorandum whether the darkhastdar is willing to pay the value of the trees on the land as fixed by them.

9. *Tanjore*.—The Collector (Mr. E. Gibson) reports that the proposed rules are not suited to the revenue system in force in his district. He would, however, retain them in regard to applications for assessed waste lands, but as regards unauthorised cultivation or occupation of poramboke, unassessed and assessed lands, he would issue certain instructions based on the old orders.

10. *Trichinopoly*.—Mr. Willock, the Acting Collector, reports that the new rules have worked very well in his district and recommends that the heading of column 10 of A. Memorandum should be modified as follows, so as to enable village officers to understand what they have to do more clearly:—

- (1) "Whether a right of way is necessary and why?"
- (2) Whether the land is within 22 yards of the central line of a road or within 25 yards of the foot of an irrigation embankment and, if so, what extent should be deducted.
- (3) Whether the land has been occupied for 18 months and adjoins a reserved forest or an unreserved block of 100 acres or over."

11. *Madura*.—The Collector, Mr. E. Turner, suggests—

- (1) that a new column be opened after column 8 of Form A to show whether the land darkhasted for was left waste or cultivated and, if cultivated, by whom and what portion thereof;
- (2) that in column 18 of A Form the applicant should be required to sign his name in token of his having received possession of the land;
- (3) that in cases where portions of survey fields are darkhasted for, or cultivated without formal permission, the village officers should be required to state in column 19 of form A or D, as the case may be, whether such portions have been durably demarcated or not;
- (4) that the holder of a portion of the same survey field may be given a preferential claim over that of an adjacent survey field, when the former applies for any portion thereof;
- (5) that rule 10 may also provide for the recovery of the value of any well in the darkhast land in addition to that of the trees standing thereon;
- (6) that in cases where the Deputy Tahsildars are the disposing officers, they should without unnecessary delay send all the connected records to the Tahsildars to enable the latter to check how far effect has been given to the orders passed, and to facilitate the preparation of the statement of lands cultivated without darkhast which is required to be produced at the annual settlement.

12. *Tinnevely*.—Mr. Lee-Warner considers that the new rules will do very well and suggests that, to ensure that the action taken rightly reaches the notice of the true occupant of the land, the words "obtaining also the signature of the actual cultivator" be added after the words "formal darkhasts" in paragraph 2, Part I of the rules. He says that most of his subordinate officers feared that the new rules would lead indirectly to encroachments upon unassessed waste or poramboke but that he has pointed out to all of them that in this respect there is no difference between the old and new rules.

13. *Nilgiris*.—The Collector reports that the new rules were not in force in his district during fasli 1296 and, in the only village in which the darkhast rules were in operation, the available land not being defined and assessed, he did not consider it expedient to leave the disposal of darkhast applications to the Deputy Tahsildar or to make any change in the direction contained in the revised rules; and that with regard to the South-East Wynaad the rules apply only in a restricted form and the disposal of all darkhast land there is left to the Revenue Settlement-officer under Board's Proceedings, dated 31st January 1887, No. 149.

14. *Salern*.—The Collector, Mr. McWatters, has no remarks to offer, the rules not having been sufficiently long in operation. He submits copy of the remarks made by the Sub-Collector, Mr. Dumergue, who, taking exception to the new procedure, observes that Mr. Farmer's objections to the old darkhast rules, that there was no check on the village officers and that there was ample room for fraud on their part, are not of much force, since some simple checks might easily have been provided, e.g., by calling upon the village officers to send a monthly statement of unauthorised cultivation and the taluk officers to submit a list of cases in which orders passed by

Jamabandi officers remain to be carried out. Mr. Dumergue thinks that the new rules though aiming at checking fraud and simplifying accounts would have the very opposite effect. His chief objections to Mr. Farmer's new rules are summarised as follows:—

- (1) that if mere occupation is recognised as equivalent to a darkhast, no one will take the trouble to present a darkhast and go through the regular procedure when he can easily secure his object by merely entering upon the land;
- (2) that this scheme, by according general sanction to unauthorised cultivation, will tend to remove even the slight check against fraud which there was under the old darkhast rules, inasmuch as the submission of the monthly statement by the village officers provided under the new rules presupposes that the village officers are honest, which is far from being the case and, in some measure, requires them to do what is impossible for them to do, viz., to certify of their own knowledge which of two men is the prior occupant of a field, which he can only do if he can be present on the same day in each of the several villages in his charge and at every field in them;
- (3) that the formal assignment of land to paupers who occupy it temporarily and do not wish to take it up on patta may operate to keep off *bonâ fide* applicants for it and thereby the Government revenue may suffer;
- (4) that it will lead to frequent relinquishments and complications in accounts;
- (5) that thus a vast amount of additional labor will be thrown on the village as well as on the supervising establishment without any corresponding advantage;
- (6) that the collection of the value of the trees on the land before its assignment is almost prohibitive and will render the system of constructive darkhasts inoperative;
- (7) that litigation will increase as it is not unlikely that in many cases one person may enter on the land while it is assigned to another;
- (8) that the new rules while being thus open to so many objections will not secure the principal advantage claimed for them, viz., the practical abolition of the sivay-jamma account, since there will always be cases in which patta cannot be given to the occupier and the land must therefore be kept under sivay-jamma.

He suggests that the following improvements may be made in the new darkhast rules:—

- (1) that the reference to the District Forest-officers in cases where the lands applied for adjoin an unreserved block of 100 acres or more may be discontinued;
- (2) that the estimated quantity of tree growth should always be given in bandy-loads and head-loads, and that two columns may be opened for such entries in column 9 of the A. and D. forms;
- (3) that the date of expiry of notice may be noted in column 14, so as to enable the Tahsildar to see at a glance what the delay has been in the submission of the memorandum;
- (4) that village officers should present their own darkhasts to the Tahsildars or Deputy Tahsildars and that, in other cases, they should invariably note the relationship that exists between them and the applicants;
- (5) that the same procedure may be followed in cases of applications for house sites *mutatis mutandis*.

15. *South Canara*.—The Acting Collector, Mr. Wynne, reports that the district not having been surveyed, and the Shambogues being generally inefficient, the new darkhast rules are very difficult to work in his district in their entirety; but that no trustworthy suggestions on the rules can be made until further experience of their working has been gained and that he is trying to get the rules into working order.

1888.
Board of Revenue
(Land Revenue),
MADRAS.

Printed August 29th.

Proceedings, 27th July 1888, No. 665.

Requesting all Collectors, except Madras, Chingleput and Malabar, to submit a report on the working of the new durkhast rules in fasli 1297.

39
BOARD OF REVENUE (LAND REVENUE) 12TH JUNE 1888, No. 522.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

J. GROSE, Esq., M.A., C.S.

READ—the following letter from H. LE FANU, Esq., Acting Collector of North Arcot, to the Secretary to the Commissioners of Land Revenue, dated Chaudragiri, 24th April 1888, No. 974:—

I have the honor to request the favor of the Board's orders as to whether it is their intention that patta should be granted in all cases of unauthorised cultivation of small portions of survey fields, whether the cultivator is willing to accept the patta or not. Paragraph 4 of Standing Order No. 17 says, that cases of unauthorised cultivation should be disposed of under the durkhast rules. This means that even if such cultivation relates to part fields, the sub-dividing operations should be gone through as a step preliminary to the assignment of the land. Neither this standing order, nor the recent rulings of the Board on the subject, prescribe any limit to the extent to which sub-division may be carried on. In the course of the jamabandi of the Wálajápet taluk I met with numerous cases of unauthorised encroachments on small patches of land to the extent of 2 or 3 cents, or even 1 cent. In the single village of Sikarajapuram there were 89 cases, of which more than 30 related to encroachments of less than 5 cents. These small bits require formal sub-division. When the time and labor of the Tahsildars and Revenue Inspectors are spent on this tedious task, the ryot, whose original intention was to make himself master of the portion encroached upon unnoticed and without any extra cost to himself, usually gives up the patch at once, or at the commencement of the next fasli, thus rendering the survey operation a useless superfluity. Next year again, if the same ryot or another chooses to enter upon the same piece of ground or another portion of the same field along with a portion of this, the survey operation has to be gone over again. There will thus be no end to surveying and re-surveying, and the confusion in the accounts will be multiplied several fold in the course of a few years. Besides this the permanent registers will be hopelessly disfigured.

2. The Board have been so obdurate on this point that it is with the utmost reluctance that I venture again to moot the question. I am, however, positively forced on public grounds to invite the attention of the Board to the large number of such cases occurring in a year, and the enormous amount of work entailed on the Revenue Inspectors thereby. The total number of cases of unauthorised cultivation or encroachments requiring sub-division may be taken on an average at 300 annually for each Revenue Inspector, except in a few small taluks. Allowing for time occupied in travelling and inspection duty, the working hours may be put at 6 per diem. Each case of sub-division involves actual measurement of the field, preparation of 3 copies of plans and 3 copies of sub-division statements, and is estimated to occupy an hour and a-half on the average, i.e., an hour for field work and half-an-hour for clerical work. Granting that a man is engaged the whole day on this work, the number of cases he could dispose of is only four, so that all the 300 cases could not be finished in less than 2½ months. Besides cases of unauthorised cultivation, it should be remembered that there are cases of sub-divisions relating to ordinary durkhasts, transfers and relinquishments. Their number cannot be less than 300 and they would occupy about an equal period. Thus, according to the above calculation nearly one-half of a Revenue Inspector's time would be taken up in sub-division work alone.

The period would, I am sure, have to be raised considerably should it be taken to consideration that all the cases in a village are not received simultaneously, but only piecemeal at distant intervals, and are referred to Revenue Inspectors as they are received. To avoid delay and escape censure they have to go to the same village over again as each new case turns up. I think it possible that the Board may not, from actual experience, have any idea what the work entailed by their orders in the sub-division of a single field is. I venture

* Sub-number accounts and plans of S. No. 1,832 therefore to send the Board a specimen.*
dry, in Pakala village, Chandragiri taluk. Now the number of cases on hand at the beginning of February in this district was 1,691, and the number of cases received during February was 2,153. The total for two months was therefore 3,844. To avoid exaggeration I shall multiply this by four and not by six. The number of cases therefore to be disposed of in a year would be roughly 13,376. I respectfully ask the Board to look at the specimen form submitted above, and to conceive this process gone through 13,376 times in the year, and picture to themselves what amount of work their order has entailed on the Revenue Inspector, and also what the state of our registers ten years hence will be.

3. The sub-division work is only a recent addition to the Revenue Inspector's duties. They have got enough of other important work, involving revenue to Government, to engage their attention almost throughout the year in connection with the inspection of cultivation and tirvajasti (charge for water), conducting revenue sales, valuation of trees, holding preliminary inquiries in disputes about land, examination of village accounts, &c. There are 31 Revenue Inspectors in this district; $13,376 \div 31 = 432$, the average number of times that a Revenue Inspector would have to prepare sub-division accounts. I respectfully submit, in the interests of good administration, that it is absolutely impossible for any Revenue Inspector to fulfil properly all the duties imposed on him. In the jamabandi of Wajajpet I found uniform shortcomings on the part of Revenue Inspectors, but when I investigated each case I was compelled to content myself with censuring them for not doing impossibilities. In my humble opinion the only course open to us is to treat each encroachment as a durkhast for the whole number entered on, or to charge simply under Sivoy Jama for such fields when a formal durkhast is not made.

4. I may refer here to the report on the working of the durkhast rules submitted with this office endorsement No. 392, dated 11th August 1887, in which Messrs. Andrew and MacCartie suggested that only those cases of unauthorised cultivation should be treated as constructive durkhasts, in which the cultivators directly signify their desire for a patta and intimate their willingness to pay the value of the trees if any, and that in all other cases the Tahsildars should be empowered, subject to appeal, to reject durkhasts for infinitesimal areas in settled districts, where sub-division has gone quite far enough.

5. One of my best Tahsildars, Krishnasami Aiyar, whose opinion is entitled to every consideration, writes to me on the subject as follows:—

"The sub-division of fields is, of late, an additional task on the Revenue Inspectors. In addition to their own legitimate work of azmoish, &c, each Revenue Inspector can afford to dispose of on an average 150 cases of sub-divisions per annum without prejudice to his legitimate duty. There are three Revenue Inspectors in this taluk. They can dispose of 450 cases, but the total number of cases they have to do being 1,705 in a year, they leave 1,255 cases undisposed of—a work left for eight Inspectors at the said rate of 150."

6. I think that, perhaps, the Board have no idea how work of all sorts has piled up in late years. The Board know the difficulty in getting rid of a worthless Tahsildar. This Tahsildar headed the list in the review for February, being the best in the district for that month. He is known as a hardworking and efficient officer. He is only about 41 years of age, and sent in his resignation last month, saying, that he could not go on overworking himself eighteen hours a day. I enclose a letter from him which will enable the Board to estimate the pressure which increased work is producing in the mofussil.

ENCLOSURES Nos. 1 to 7.—Plans, &c.

RESOLUTION—dated 12th June 1888, No. 522.

The Collector asks whether a patta is to be granted in all cases of unauthorised cultivation, however small it may be in extent, and whether the cultivator wants a patta or not. In answer to this he will be referred to Standing Order No. 17. Patta is to be granted "if there are no other durkhastdars or the measure is otherwise unobjectionable." If the cultivator refuses a patta, the measure may be objectionable.

2. The Collector takes the opportunity of urging objections against the unlimited sub-division of fields though "the Board have been so obdurate on this point."

3. The Board remark that their "obduracy" has very little to do with the matter. The question has been finally decided by Government after full inquiry. It was first settled in 1874 when Government, contrary to the suggestion of the Board, refused to fix a *minimum divisible*. In 1879 reports were called for from all Collectors with the view of ascertaining whether this decision had caused inconvenience to public officers. The reports showed that it had not. Some of the Collectors advocated a limit, and the Board supported them, but in G.O., dated 12th January 1881, No. 105, Government declared that no cause had been shown for abandoning the rules already laid down. The reports were elicited by Board's Proceedings, dated 3rd May 1879, No. 1168, which bore special reference to the question whether pattas should be given for very small encroachments. The Collector of Ganjam proposed a limit. The Board were disposed to agree with him, but resolved to call for reports from all Collectors before addressing Government. The result has been stated above.

4. The Board do not understand why all the work of sub-division is imposed on Revenue Inspectors. What they have directed as to the connection of Revenue Inspectors with the work is that they shall see that the village officers do it, and no complaints have reached them from other districts as to the extent to which the Revenue Inspectors have been affected by the orders about sub-division.

5. The Board cannot accept the "specimen case" submitted by the Collector (paragraph 2) as an ordinary one, nor can they approve of his proposal to treat encroachment as a durkhast for the whole number. One obvious reason against this is that survey numbers vary in size so much. Some fields are only measured in hundreds of acres and others only by cents.

6. The Board are not therefore prepared to take further action on the Collector's letter.

(A true Copy and Extract.)

(Signed)

H. A. SIM,
Acting Secretary.

To the Collector of North Arcot, with seven enclosures returned.

Exd. J. Moses.

22/6

1888.
Board of Revenue
(Land Revenue),
MADRAS.

Printed June 27th.

Proceedings, 12th June 1888, No. 522.

Passing orders on letter from the Collector of North Arcot inquiring whether a patta is to be granted in all cases of unauthorised cultivation; however small it may be in extent, and whether the cultivator wants a patta or not.

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BOARD OF REVENUE (LAND REVENUE), 23RD NOVEMBER 1892, No. 673.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—again Proceedings of the Board of Revenue (Land Revenue), dated 1st September 1886, No. 1943.

ABSTRACT.—Circulating to all Collectors for information and guidance the draft rules framed by Mr. Farmer for the disposal of darkhasts as modified and re-arranged by the Board, and requesting them to submit a report on the working of the rules at the end of fasli 1296.

READ—again Proceedings of the Board of Revenue (Land Revenue), dated 28th March 1887, Mis. No. 2233.

ABSTRACT.—Recording Government Order on Board's Proceedings circulating Mr. Farmer's darkhast rules.

READ—again Proceedings of the Board of Revenue (Land Revenue), dated 27th July 1888, No. 665.

ABSTRACT.—Requesting all Collectors—except Madras, Chingleput and Malabar—to submit a report on the working of the new darkhast rules in fasli 1297.

READ—again Proceedings of the Board of Revenue (Land Revenue), dated 8th September 1892, No. 502.

ABSTRACT.—Agreeing with the Chief Engineer for Irrigation in his proposal regarding reservation of lands by the side of irrigation embankments, and requesting him to arrange for lists of irrigation works referred to being furnished direct to Collectors.

READ—also the following papers:—

From the Collector of Anantapur,	dated 30th Nov.	1888, No.	836.
" " of Arcot, North,	" 21st Feb.	1889, "	201.
" " of " South,	" 2nd "	" "	1039—88.
" " of Bellary,	" 5th Jan.	" "	8-Ind.
" " of Canara, South,	" 12th Dec.	1888, "	4495.
" " of Coimbatore,	" 3rd Oct.	" "	1506.
" " of Cuddapah,	" 2nd Mar.	1889, "	1449.
" " of Ganjam,	" 15th May	1890, "	3465.
" " of Godavari,	" 27th July	1888, "	324.
" " "	" 13th Mar.	1889, "	105.
" " of Kistna,	" 14th Jan.	" "	186.
" " of Kurnool,	" 17th Dec.	1888, "	3707.
" " of Madura,	" 13th Mar.	1889, "	113.
" " of Nellore,	" 9th Feb.	" "	663—2.
" " of Nilgiris,	" 16th Nov.	1888, "	492.
" " of Salem,	" 20th Jan.	1889, "	82.
" " of Tanjore.	" 9th Nov.	1888, "	683.
" " of Tinnevely,	" 4th April	1889, "	A.
" " of Trichinopoly,	" 21st Dec.	1888, "	667—4.
" " of Vizagapatam,	" 9th Mar.	1889, "	587.

READ—also letter from Collector of Kistna, dated 2nd September 1892, No. 7371.

ABSTRACT.—Enquiring whether Board's Proceedings No. 431 of 1892 cancelled the addition to Board's Standing Order No. 30, communicated in Board's Proceedings No. 280 of 1892.

READ—also letter from Collector of Kistna, dated 21st October 1892, No. 8792.

ABSTRACT.—Calling attention to certain points in connection with certain Standing Orders now under revision.

READ—also the following letter from H. LE FANU, Esq., Collector of North Arcot, to the Secretary to the Commissioners of Land Revenue, dated Chittoor, 10th October 1892, Ref. on Gl. Eng. No. 2613 of 92:—

I have the honour to submit the following for the orders of the Board.

2. Rule 7 of the Board's Standing Order No. 16 directs that ryots cultivating lands without authority should be compelled to pay the whole annual assessment within 30 days from the date on which the assessment is determined. I find that, in this district, this rule is seldom or never applied now in the case of unauthorised cultivation of poramboke lands reserved for public or communal purposes—an item in respect of which it is most important to bring the rule rigorously into force.

3. Under rule 5 of the same Standing Order, power is conferred on Divisional officers to impose prohibitory assessment on such cultivation; and the practice is for Tahsildars to obtain orders from the settling officers at jamabandi. The cultivation generally begins in August or September, and, as generally the jamabandi is not finished before June, the prohibitory assessments levied in such cases cannot be recovered before that date, that is, until 9 or 10 months after the ryot has cultivated the land, or, until long after the crops on it were cut and the kistbandi was over. If the assessments are to be determined by Divisional officers before jamabandi, as cases of such cultivation arise, there will be an appalling increase of correspondence in the taluk and divisional offices. One of the Tahsildars in the district, therefore, proposes that a scale of penal charges to be levied in all ordinary cases be laid down, so that Tahsildars may, as each case arises, proceed to recover the amount calculated according to the scale, duly enforcing the "30-days' rule." I support the proposal and think that the following scale will be found suitable generally:—

(1) In the case of important porambokes, such as path, village site, burial-ground, channel, &c., the charge may be

(a) if new cases, 2 annas a cent, subject to a minimum of 4 annas in each case, up to the limit of 50 cents; above this, treble the block rate up to 2 acres, and double for above 2 acres;

(b) if old cases, double the charge levied in the previous year, but not less than the amount leviable under clause (a).

(2) For other kinds of porambokes, which it may be objectionable to assign on patta, the charge may be

(a) if fresh cases, 1 anna a cent, subject to a minimum of 2 annas in each case, up to 50 cents. Above this, treble the block rate up to 2 acres, and double for above 2 acres;

(b) if old cases, the charge may be as in 1 (b).

4. The charge levied with reference to the above scale will be subject to the scrutiny and approval of the settling officer at jamabandi. If the settling officer considers that any case calls for a heavier charge, he may levy the excess then, and order the excess to be recovered within 30 days from that date. If, at the outset, the Tahsildar considers that any case calls for exceptional treatment, he may, from time to time, not oftener than once in a month, send a list of such cases to the Divisional officer with full particulars for orders. I consider that some such scale is necessary in order that the provisions of the Standing Order may be duly enforced to put down unauthorised squatting on Government land.

5. I have the honour to request you also to let me know whether the "30-days' rule" applies to a case of D memorandum, in which the land has been ordered by the Tahsildar to be assigned to the cultivator, but in which the issue of patta is deferred pending jamabandi; or whether the assessment should be collected according to the kistbandi; if the order of assignment happens to be passed before the first kist month. I do not think it desirable to enforce the rule rigorously in cases in which assessed land

is cultivated with the *bona fide* intention of accepting patta for the same, as this would discourage extension of cultivation. All that is aimed at by the enforcement of the provisions of the Standing Order is to keep down the objectionable habit of squatting and encroaching on porambokes, and of occupying assessed land with no real intention to accept patta, and thus prevent the multiplication of sivoi-jama items.

READ—the following letter from Lieutenant-Colonel A. C. SMITH, R.E., Superintending Engineer, VI Circle, to the Chief Engineer for Irrigation, dated Trichinopoly, 11th November 1892, No. 1235 T.C.:—

With reference to your No. 29 G., dated 3rd October 1892, regarding reservation of lands by the side of irrigation embankments, I have the honour to observe that there are, in some cases, main distributaries, &c., which have no "embankments." I request that you will be good enough to let me know whether in these cases any land is to be reserved, and, if so, to what extent.

2. The Board's Resolution, No. 3469 of the 8th June 1892, and its Standing Order No. 30 alluded to therein, refer to "the embankment of an irrigation work," and no mention is made of channels without embankments; hence this reference.

3. I am of opinion that unless there is some reservation of lands on sides of the channels without embankments, it is not unlikely that cultivation will be carried on to the very berm of the channel bank. In fact, there are many cases in which the encroachment has been carried on to this extent. In these cases I think that 3 yards should be reserved so that there may be no inconvenience to the people and inspecting officers, &c.

Endorsement by Lieutenant-Colonel R. R. E. DRAKE-BROCKMAN, R.E., Acting Chief Engineer for Irrigation, dated 16th November 1892, No. 642 M.

Forwarded to the Board of Revenue (Land Revenue) with the remark that if no facilities are afforded for inspecting distributaries by having a bank or margin along them for this purpose, it can hardly be expected that they will receive that care and attention which they require, and the interests of the ryots will naturally suffer thereby.

RESOLUTION—dated 23rd November 1892, No. 673.

In 1886 Mr. Farmer, Acting Collector of Trichinopoly, submitted, for the Board's approval, a compilation of the orders on the subject of darkhasts for lands and unauthorised cultivation, which he proposed to issue for the guidance of village and taluk officers in the district. The instructions drafted by Mr. Farmer were modified and re-arranged by the Board and circulated to all Collectors for adoption subject to report as to their working at the end of fasli 1296. The reports submitted by Board's Proceedings, dated 1st September 1886, No. 1943. Collectors having shown that the rules

were brought into force late in the fasli, and that they should be tried for another year before a definite opinion could be formed as to their working, the Board called for further report at the end of fasli 1297 on their operation, as also on the suggestions already made by certain Collectors in regard to them. These reports have been received, and the Board now proceeds to review them.

2. The darkhast rules do not apply to the districts of Chingleput, Malabar and Madras. The Collector of South Canara says that, as the land tenure of his district is peculiar, the rules require recasting for adoption in his district, but he has not specified the modifications he proposes. The Collector should report in detail as to the points on which he recommends a deviation from the general rules. The Collector of Tanjore states that the rules have worked well so far as formal darkhasts for assessed waste lands are concerned, but that, as the revenue system in the district

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differs in some respects from that prevailing elsewhere, the rules could not be adopted in their entirety. He adds that separate instructions have been issued for disposal of cases of unauthorised occupation of assessed and unassessed waste lands, and that they have worked satisfactorily. The Board considers that they may remain in force. They contain nothing inconsistent with the draft Standing Order at the close of this Proceedings. The Collector of the Nilgiris reports that the darkhast rules are applicable only to the South-East Wynaad, and to one village elsewhere, but that even there the present rules have not been put into operation as in the former place they apply only in a restricted form, and the disposal of darkhast land is left to the Revenue Settlement officer, and in the latter the available land has not been defined and assessed. The other Collectors report generally that the rules have worked well, but add various suggestions for their improvement. These suggestions will be found in Appendix A to these Proceedings, tabulated under each of the rules as given in Board's Proceedings, dated 1st September 1886, No. 1913.

3. The more important suggestions made by Collectors fall under the following general heads:—

- (1) Presentation of darkhasts.
- (2) Treatment of unauthorised cultivation.
- (3) Preferential claims among applicants.
- (4) Sale of occupancy right in waste lands.
- (5) Collection of value of trees standing on darkhast lands.
- (6) Communication of orders in darkhast cases to the parties concerned.

These will be dealt with *seriatim*.

4. *Presentation of Darkhasts*.—Under the present rules applications for assessed lands may be presented either to the taluk authorities or to the village officers. Some Collectors propose that the power of receiving applications should be taken away from village officers, the general reason urged being that they antedate darkhasts, and thereby place applicants to the Tahsildar at a disadvantage. The Board observes that the rule has been in force ever since the darkhast rules were issued in 1863, and that as village officers are within the easiest reach of darkhastdars, the restriction proposed would diminish the ryots' facilities for obtaining lands. Nor would it answer the purpose in view so long as unauthorised occupation is allowed under the rules. The evil of antedating can be minimised by exemplary punishments where it may be detected. Mr. Tremenhare, as Acting Collector of Coimbatore, proposed that applications should be made presentable to Sub-Registrars instead of to Revenue authorities, his reason being that much fraud is perpetrated under the present system; but the Board does not think that the proposal deserves serious consideration. The Collector of Vizagapatam suggests that a rule should be made directing that applications of village officers and members of their families should invariably be made to the Tahsildar. The Board approves of this suggestion, and notes that village officers have already been prohibited from unauthorised occupation of assessed waste lands—*vide* paragraph 3 of Standing Order No. 16.

5. *Treatment of Unauthorised Cultivation*.—Some of the Collectors suggest that unauthorised occupation in all cases be punished by fine. The Board observes that it has already been decided, after full discussion, that unauthorised occupation of assessed lands is not wrong, and that it should not therefore be punished—*vide* Government Order, dated 3rd February 1875, No. 180. The reasons which led to this suggestion under this head relates to the procedure to be adopted in the matter of the disposal of these cases. At present formal darkhasts are reported in Form A as the cases occur, and unauthorised occupation of all classes of lands in Form D once a month. Tahsildars are competent to dispose only of cases of occupation of assessed waste lands, while those of unassessed lands, including porambokes, require the sanction of the Divisional officer or the Collector. The inclusion of both classes of cases in one statement is found to cause confusion and inconvenience. Moreover, poramboke lands, and lands otherwise reserved for public purposes, are not ordinarily assignable, and, as the first question to be settled in such cases is whether the land can be assigned, it appears to the Board that until this is settled it is useless labour to

publish notices of occupation as in the case of assessed lands, or to give details such as those required by columns 11, 12 and 14 of the present Form D. The Board, therefore, considers that Form A may be used for all cases of assessed lands whether formally applied for or occupied without application, while a simple report showing the details of unauthorised occupation of other classes of lands and furnishing information as to whether they can be assigned or not is all that is required in the first instance in these cases. When their assignment has been sanctioned, the cases can be dealt with under the darkhast rules, unless otherwise ordered. Another suggestion made under this head is that pattas should be granted on unauthorised occupation of lands only when the parties require them. It will now be made clear that this rule should be observed. The Collector of North Arcot proposes that unlimited sub-division should be avoided. Such sub-divisions will be unnecessary in cases where no pattas are required; but when they are the Board does not consider that the smallness of the extent should be an objection to the assignment. This principle has been approved by Government, which has declined to fix a minimum divisible—*vide* Government Order, dated 12th January 1881, No. 105, and Board's Proceedings, dated 12th June 1888, No. 522.

6. *Preferential claims among Applicants*.—The general effect of the changes suggested by Collectors under this head is to abolish the preferential right of the adjacent landholders or to restrict it. The Board, after a careful consideration of all the arguments urged on the subject, is of opinion that no change is required in the existing order of preference. It would only substitute for the word "ryot" the word "pattadar" as being more clear.

7. *Sale of occupancy right in lands*.—The Collectors of Kistna and Tinnevely propose that where waste lands are valuable they should not be assigned on darkhast, but that the occupancy right in them should be sold. The object of Government in permitting the assignment of waste lands free of price is to promote, as far as possible, the extension of cultivation, and to insist on a premium being paid for new lands taken up would certainly defeat this object to a large extent. Moreover Government has been averse to any considerable extension of the auction system. For these reasons, the Board does not propose to make any change in the direction indicated. Where waste lands acquire special value by reason of irrigation works executed by Government, they can, of course, be dealt with under special orders.

8. *Collection of value of trees standing on Darkhast lands*.—The existing orders require that the value of trees, if any, standing on the darkhast land should be collected before the successful applicant or purchaser at sale is put in possession of it; but they do not say how the payment is to be enforced, nor what should be done in cases where it is needlessly delayed. As a matter of fact, pattas are generally speaking not granted until the tree value is paid, and, as there is frequently inordinate delay, the result is much confusion in the accounts. The Board would therefore fix a limit of one month within which the tree value should be paid, and direct that the assignment should be cancelled in default of payment within that period. The suggestion made by certain officers that the value of trees should be collected as arrears of revenue is inadmissible, as Act II of 1864 is clearly inapplicable to such cases, *vide* the party has been actually put into possession of the land.

9. *Communication of orders in Darkhast cases to the parties concerned*.—The present rules do not specify how orders on darkhast cases should be communicated to the parties concerned. In practice the karnam is left to intimate the result on receipt of the duplicate A memorandum from the Tahsildar or Deputy Tahsildar, and there is no guarantee that he communicates the orders to all the parties concerned. Further the duplicate A memorandum reaches the village officers some time after the order is passed, and before it is communicated to the unsuccessful applicant the appeal time may have expired. To enable the right of appeal to be exercised, it seems to the Board necessary that orders passed in darkhast cases should be communicated direct by the officer disposing of the case to all the parties concerned. The additional labour can be minimised by using printed forms of endorsement for the purpose.

10. In his letter, dated 10th October 1892, the Collector of North Arcot proposes to lay down a scale of prohibitory assessments to be charged by Tahsildars in all ordinary cases subject to the approval of the jamabandi officer, the Board considers

that the proposal is inadvisable. The requirements which determine the amount of penal assessment to be imposed vary almost infinitely, and the Board thinks that each case should be dealt with on its merits by the Divisional officer. The monthly statement referred to in paragraph 20 of the draft Standing Order if punctually obtained and disposed of, will, far from "involving an appalling increase of correspondence" as Mr. LeFanu anticipates, save trouble in the long run. It is easier and more methodical to deal with cases month by month as they are reported than all together at jamabandi. The contrary can only be the case if the work at jamabandi is carelessly hurried through.

11. Mr. LeFanu, in the same letter, raises the question of payment of the whole amount of assessment on lands occupied without application within 30 days after they are fixed, and points out that as the assessment is fixed at jamabandi, the order results, in practice, in the collection being deferred till 9 or 10 months after the ryot has cultivated the land. This difficulty will be obviated if cases are disposed of month by month. Mr. LeFanu further proposes to make an exception in favour of cases of unauthorised occupation of an unobjectionable character, but the Board is unable to accept this suggestion. The proper method of obtaining land is to darkhast for it, and squatting without darkhast is frequently resorted to, to get a claim of possession as against others having preferential rights; a squatter should therefore be *slightly* penalized as compared with the man who applies before he occupies.

12. The Board has taken this opportunity of rewriting the whole of Standing Order No. 30, which, as it at present stands, is illogical, confused and badly arranged; illogical because, while its heading is "Disposal of assessed lands," it deals also with unassessed lands and porambokes, confused and badly arranged, because the paragraphs follow each other on no fixed principle, and (chief defect) because there is no proper enumeration of the lands, the disposal of which on darkhast is either entirely or *prima facie* objectionable. These cases are either scattered about the Standing Order itself (paragraphs 11, 26, and 31) or have to be gleaned from other Standing Orders, e.g., Standing Orders Nos. 3, 6, paragraphs 6, 7 and 13, Standing Order No. 12, paragraph 4, Standing Order No. 13.

13. The Standing Order, as rewritten, is subjoined for the approval of Government (Appendix B), with authorities quoted on the margin of each paragraph for convenience of reference and with the following explanatory remarks:—

Heading of the Standing Orders.—The present heading is "Disposal of assessed lands."

As the Standing Order deals with the disposal on patta of unassessed as well as assessed lands, this heading has been altered into "Grant of lands for cultivation."

Paragraph 1.—This paragraph affirms the general proposition that pattas for unoccupied assessed lands may ordinarily be granted by the Tahsildar subject to certain exceptions.

Paragraph 2.—All cases in which the grant of lands for cultivation on ordinary application is *prima facie* objectionable are grouped together in this paragraph with reference to the remarks contained in paragraph 12 above.

Paragraph 2 (1).—This is based on paragraph 26 of the present Standing Order, but the second sentence and the words "to whom the party should apply in the first instance by petition bearing a half-rupee Court-fee stamp" in the first sentence are new. The former has been added to prevent the fact of the reservation being overlooked. As regards the latter, the rule exempting applications for lands from stamp duty applies only to assessed lands ordinarily assignable for cultivation, while in other cases the applications have to be stamped under article 1 (b) of schedule II of the Court Fees Act. This is now made clear.

Paragraph 2 (vii).—This is taken from paragraph 4 of Standing Order No. 15. The word "minerals" has been added with reference to paragraph 3 of that Standing Order.

Paragraph 4.—The sentence regarding applications by relatives of village officers has been added with reference to paragraph 4 above.

Paragraph 5.—(1) In the second sentence of this paragraph, the entry of applications in a register (C) has been provided with reference to Board's Proceedings, dated 23rd November 1892, No. 672.

(2) The last sentence of paragraph 5 of the existing Standing Order has been omitted. In these days of Imperial and District Posts village officers can well send the A memorandum to the Tahsildar direct. Moreover the rule is likely to give rise to fraud in cases where the applicant is not the person in whose favour patta is recommended by the village officers.

(3) In the same paragraph the following additions have been made to the instructions regarding the attestation of A-1 notice:—

(a) To adjacent landholders, as preferential attesteas, other persons possessing prior darkhast right have been added, as it is desirable that these also should be aware of the application.

(b) Where the persons having prior claims are illiterate, any two other respectable inhabitants may attest.

(c) In cases where the notice is not attested by the preferential claimants owing to their non-existence or illiteracy, the reason should be explained at the foot of the notice by the village officers.

A statement showing the names of adjacent landholders has been prescribed for submission with the A memorandum. Such lists are, it is believed, now very generally forwarded, and are necessary to enable the Tahsildar to ascertain who the adjacent landholders are. Village accounts Nos. 2 and 10, with the survey plan, might furnish the information; but these accounts would remain with the village officers.

Paragraph 8.—The word "ryot" has been replaced by "pattadar" as proposed in paragraph 6 above.

The proviso to this paragraph is based upon paragraph 13 of the existing Standing Order, but goes beyond it by debarring the relinquishing ryot from *all* preferential claim, except as a prior applicant, while the existing Standing Order would allow him to claim under clauses (1) and (2). The Board thinks that he should forfeit his claims under these two clauses also by his relinquishment.

Paragraph 11.—This embodies the suggestions of the Chief Engineer for Irrigation accepted in Board's Proceedings, dated 8th September 1892, No. 502, copy of which has been sent to Government, and the further suggestion contained in his letter of the 16th November 1892.

Paragraph 12.—This paragraph is new and has been inserted with reference to the remarks contained in paragraph 9 of this Proceedings.

Paragraph 14.—This follows paragraph 23 of the existing Standing Order as revised in correction slip No. 30—7 (Government Order, dated 19th July 1892, No. 738). The first sentence of the latter has however been omitted, as the instruction is given more clearly in paragraph 15 of the draft Standing Order. The words "by the Tahsildar" in the penultimate sentence have also been omitted as unnecessary.

Paragraph 15.—This follows paragraph 25 of the existing Standing Order as set forth in correction slip No. 30—7 referred to above, with the addition at the end of correction slip No. 30—6 (Board's Proceedings, dated 10th June 1892, No. 280), which was omitted in correction slip No. 30—7 with reference to the first sentence of paragraph 23 of the existing Standing Order. As correction slip No. 30—6 is, however, clearer, it is proposed to embody it at the end of the paragraph.

Paragraph 16 follows, with a slight re-arrangement, paragraph 24 of the existing Standing Order. The last sentence has been newly added with reference to the remarks in paragraph 9 of the present Proceedings.

Paragraph 17 is based on paragraphs 21 and 22 of the existing Standing Order, but the portion of the latter paragraph requiring Tahsildars to check village files of A and D memoranda with the taluk register has been relegated to paragraph 26 of the draft Standing Order.

Paragraph 18 deals with applications for unassessed lands on cultivation, and affirms the general rule that pattas for such lands may be granted at the discretion of Divisional officers.

Paragraphs 19 and 20.—As proposed in paragraph 5 of this Proceedings the A memorandum has been made, with a slight expansion of the headings, to do duty for darkhast for assessed lands and also for unauthorised occupation of such lands if they are not reserved for public purposes, and there is, therefore, no question of prohibitory assessment, and a new Form (B) has been prescribed for unauthorised occupation of all other classes of lands. If, on perusal of the B form, the Divisional officer orders the disposal of the land under the darkhast rules, then a fresh memorandum in Form A will, of course, be sent in. *Nil* statements have been prescribed when there has been no unauthorised occupation as a check on concealed cultivation.

Paragraph 22.—The restriction imposed on village officers in the matter of assessed lands, by paragraph 3 of the Standing Order No. 16, is extended to unassessed lands also.

Paragraph 23 (1).—*Vide* remarks in paragraph 11 of this Proceedings.

Paragraph 23 (2).—This is based on paragraph 17 of the existing Standing Order. The last sentence has been added with reference to the remarks contained in paragraph 8 of the present Proceedings.

Forms under the Standing Order—A Memorandum.—The existing form has been revised as follows:—

(a) Extra columns (9 and 10) have been opened to show details where portions of fields are applied for.

(b) Column 15 (corresponding to column 13 of the old form) has been made to show all the grounds on which applications for, or occupation of, assessed waste are *prima facie* objectionable in the order set forth in paragraph 2 of the draft Standing Order. The third sub-head of column 10 of the existing form has, it will be seen, been transferred to this column.

(c) Column 18 of the existing form has been omitted as unnecessary in an application form.

(d) As the form is also to be used for cases of unauthorised occupation of assessed lands, the necessary additions have been made in the common major column for columns 1 and 2 and in columns 3, 5 and 9.

A-1 Notice.—The old form has been retained. At the foot, however, after the words "signature of the owners of the adjacent lands," the necessary additions have been made with reference to the remarks under paragraph 5 of the draft Standing Order in regard to attestation.

Form B.—The old Form D has been abolished, and a new Form B prescribed for the reasons set forth in paragraph 5 above.

Form C.—This is newly prescribed with reference to Board's Proceedings, dated 23rd November 1892, No. 672.

Form D.—This is prescribed with reference to paragraph 12 of the draft Standing Order. The condition regarding the payment of the tree value has been added with reference to paragraph 23 (2) of the same.

14. It will be seen that the draft Standing Order No. 30 now proposed not only replaces the existing Standing Order No. 30 but embodies portions of other Standing Orders which are either embodied or modified. The following amendments are accordingly proposed in these Standing Orders:—

Standing Order No. 5.—Omit paragraphs 6, 7 and 13; paragraph 4 may be left, as paragraph 8 becomes meaningless without it.

Standing Order No. 13.—Omit this Standing Order altogether.

Standing Order No. 16.—Omit paragraphs 3, 4, 6 and 7, and enter as new porambokes should be dealt with in the manner prescribed in Standing Order No. 30.

Standing Order No. 22-1.—After the words "darkhast memoranda A" insert the words "the village C register."

Standing Order No. 32.—(a) The heading should be amended by adding the words "otherwise than on darkhast." (b) In the first sentence of paragraph 1, after the

words "Forest rules," insert the words "or given out on ordinary patta as provided in Standing Order No. 30."

(True Copies and Extract..)

Acting Secretary.

To the Secretary to Government, Revenue Department,
with copies of Board's Proceedings, dated 27th July 1888,
No. 665; dated 12th June 1888, No. 522; dated 21st
January 1875, No. 120; and 26th July 1874, No. 1888.
Copy to Collectors of all districts, except Madras, Chingleput and Malabar.

APPENDIX A.

ABSTRACT OF THE COLLECTORS' SUGGESTIONS TABULATED UNDER each of the Rules printed at pages 15 and 16 of Board's Proceedings, dated 1st September 1886, No. 194.

Part I, Para. 1, Presentation of Darkhasts.—The Collectors of Ganjam, Godavari, Nellore, Bellary, Trichinopoly and Tinnevely, the Sub-Collector of North Arcot and the Deputy Collector of Salem suggest that darkhasts should be presented only to Tahsildars or Deputy Tahsildars. The Collector of Ganjam would add Revenue Inspectors.

The general reason urged against the receipt of darkhasts by village officers is that they antedate darkhasts, and thereby place applicants to Tahsildars at a disadvantage. The Collector of Trichinopoly observes that the existence of two authorities empowered to receive darkhasts, viz., Tahsildars and village officers, must give rise to dispute, especially when one of them, namely, village officers, may easily be improperly influenced, and that it would be no real hardship to have to present darkhasts in the taluk office. The Collector of Tinnevely considers that the restriction would entail little hardship on the villagers so long as unauthorised occupation without darkhast is allowed, and that there is no likelihood of cultivation being diminished.

The Collector of Nellore suggests that the darkhasts should also be presented *in person* to the Tahsildar or Deputy Tahsildar.

The Collector of Coimbatore reports that much fraud is at present perpetrated by applications being made to the Tahsildar, Deputy Tahsildar, Revenue Inspector or village officer. He proposes, therefore, that applications in a printed form should be registered only before the Sub-Registrar, who should be supplied every year with a list of Government waste available for grant. The applicant should be given an extract from the application register which itself would constitute a grant conditional on (a) verification that the land is available, and (b) payment of the value of trees to be assessed by the Forest or Revenue Department as the case may be. The Collector would obviously do away with the order of preference among applicants now followed, and give the land to the first applicant irrespective of other considerations.

The Collectors of Kistna, Kurnool and Madura, on the other hand, are in favour of the present rule of allowing village officers to receive darkhasts. The Collector of Kurnool states that the old system of allowing village officials to receive darkhasts in the first instance has been working satisfactorily, and that the proposed change would entail additional labour on the already-overworked taluk establishment and necessitate applicants travelling to the taluk officer. The evil of antedating can, he thinks, be avoided by directing village officials to send up a triplicate copy of A-1 notice to the taluk office on the day of its being posted on the chavadi, and on the land applied for, or as is still easier by, directing them to fill up the first 6 columns of C register as per form suggested by him.

Darkhasts by Village Officers.—The Sub-Collector of Salem suggests that village officers should present their own darkhasts to Tahsildars, and that, in other cases, they should invariably note the relationship between them and the applicants. The Collector of Kurnool agrees with this suggestion, and would make it a separate rule under Part I.

The Collector of Vizagapatam suggests that darkhasts by village officers or by members of their families should not be allowed to be made in the villages, as in these cases the temptation to antedate applications is very strong.

The following further alterations in the paragraph are also suggested:—

Notice A-1.—The Collectors of North Arcot and Madura suggest that Notice A-1 should be in triplicate—one to be posted up in the village chavadi, another on the land applied for, and the third to be sent to the taluk with A or D memorandum.

The Sub-Collector of North Arcot proposes that if the adjacent landholders are not able to sign, their marks should be attested by the Village Munsiff. The Collectors of Trichinopoly and Madura agree.

The same officer (the Sub-Collector) suggests that in the paragraph before the words "by two respectable, &c.," the words "if there are not adjacent landholders present in the village during the whole time the notice is pending (which fact should be certified so)" should be added. The Collector of Madura agrees, but the Collector of Trichinopoly thinks that the modification is unnecessary.

The Collectors of Ganjam, Anantapur, Cuddapah, Kurnool, North Arcot, Trichinopoly and Madura propose that in cases in which the adjacent landholders are illiterate, attestation by two respectable inhabitants should be made compulsory. For this purpose, the Collector of Kurnool recommends that instead of the words "if any" in the last sentence of the paragraph, the words "or if they are absent or illiterate" may be substituted. The Collector of Ganjam proposes that a note should be inserted at the foot of Form A, that if the owners of adjacent lands be illiterate, the signatures of two respectable inhabitants should also be taken in proof of its publication; while the Collectors of Anantapur, Trichinopoly and Madura think that at the foot of the form after the words "signatures of the owners of adjacent lands," the words "if illiterate, of two respectable inhabitants" should be inserted.

The Collector of Nellore is of opinion that the signatures of two respectable inhabitants should be obtained in all cases, and he would accordingly amend the whole phrase as follows:—"By the adjacent landholders and by two respectable inhabitants of the village able to read and write."

The Collector of Tinnevely thinks that besides the owners of adjacent lands the tree-owner, well-owner or user, actual cultivator and objectors, should be required to sign the Form A-1.

Paragraph 2—Treatment of Unauthorised Cultivation.—(i) The Deputy Collector of Ganjam considers that unauthorised cultivation should not be regarded as a constructive darkhast unless the cultivator distinctly intimates (1) his desire for a patta, and (2) his willingness to pay the value of the trees, if any. The Sub-Collector of Godavari states that unauthorised occupation of land should be regarded as a constructive darkhast only in cases where the occupation is by a *bona-fide* cultivator, who expresses a desire for a patta, and that in other cases the occupation should be treated as an encroachment. The Collector of Godavari, however, thinks that this course would swell the *sevoi-jama* account, which is undesirable. The Collector of Cuddapah observes that unauthorised cultivation is of two classes (1) where the ryot for some valid reason, or through indolence or ignorance, occupies land, without formally applying for it, for the purpose of cultivating it permanently or for some time, (2) where he does it merely to escape payment of assessment, if he can avoid notice, or because he knows that he cannot get patta, or desires to raise one or two crops and then abandon the land. In the latter case, if not in both cases, the Collector considers a fine should be levied before patta is granted, as this will stop the practice of cultivating tank lands which are classed as assessed lands in his district. He further thinks that unauthorised cultivation should not be treated as a constructive darkhast till the second year of its occurrence, and then only if the cultivator desires a patta. A *bona-fide* cultivator, he says, will usually, when he cultivates a second time, have sunk enough money in the way of manuring, fencing, &c., to make him wish for a patta, and if he does not desire one, no advantage is derived by forcing one upon him. The Deputy Collector of Salem remarks that the present system of recognising unauthorised occupation as constructive darkhasts will not lead to a larger number of relinquishments than under the old rules, as nothing but successive bad seasons will induce the ryots to relinquish the lands once taken up by them. He adds that the rule in this respect does not throw additional labour either on the taluk or village officials, and does not cause any complications in the accounts, and suggests that cultivation of portions of fields should be regarded as darkhasts for whole fields, unless the cultivator declares his unwillingness to take up more than he has actually occupied. The Collector of Salem, on the other hand, thinks that if entry upon land and cultivation without permission are to be deemed a constructive darkhast, Form D will tend in time to supersede regular applications for land altogether—a state of things which few revenue officers would consider satisfactory. He therefore proposes that cultivation, without darkhast, should be brought to notice monthly as even the old rules required, but merely with the view to early enquiry and disposal of such cases in the usual way, and not for the sake of ordering the grant of a patta to save *sevoi-jama* entry in the accounts, since *sevoi-jama* entries will always exist.

The Principal Assistant Collector of Ganjam and the Collector of Bellary are of opinion that a fine should be imposed on unauthorised cultivation, the latter officer adding that under the present rules Government revenue must suffer in the long run, human nature being what it is.

The Collector of Kurnool divides unauthorised cultivation into five classes:—

(1) Of assignable assessed waste; (2) of assessed waste, in which Government have a saleable interest, such as lands bought in at revenue sales, &c.; (3) of assessed waste reserved for plantations; (4) of unassessed waste available for cultivation; (5) of poramboke. Class 1 should, the Collector says, be treated as constructive darkhast for the whole field, even when a portion only is cultivated. As Forms D and A are similar, report should be made in Form A, with the fact of cultivation noted in the column of remarks. For class 2, monthly statements in Form A should be submitted, and Tahsildars empowered to levy, if necessary, extra fine not exceeding double the assessment, besides assessment on the full area, and to bring the lands to sale after harvest. For class 4 immediate report should be sent in Form D (as revised by the Collector) to the Tahsildar, who, if he thinks that the lands can be granted, should get the assessment fixed by the Divisional officer, and proceed under the darkhast rules. If unassignable, he should deal as in cases 3 and 5 (*infra*). In cases 3 and 5, village officers should send a monthly statement in Form D (revised) through the Revenue Inspector to the Tahsildar, who should get prohibitory

assessment imposed by the Divisional officer, except when the land is assignable, in which case the assessment should be fixed and the Tahsildar should proceed under the darkhast rules, or, the Tahsildar may himself be allowed to impose prohibitory assessment according to a scale furnished to him once for all, only instances in which he wants to deviate from it being submitted for the orders of the Divisional officer. In cases 2, 3 and 5, assessment should be collected in lump at once, and should not be spread over kistbandi.

The Collector of North Arcot observes that the rules on the subject of unauthorised cultivation result in illimitable sub-division of fields, and suggests that some limit should be prescribed. He adds that unauthorised cultivation of poramboke lands required for public or communal purposes need not be reported in Form D, as it is only a waste of stationery and time to do so. He thinks that it will be enough if such cases are entered in a short memorandum, explaining the nature of the poramboke, the name of the occupier, and the nature and date of the occupation, together with the village officer's opinion. The memorandum should be sent to the Tahsildar monthly, who will, after making enquiries, if necessary, forward them to the Divisional officer for orders. The Deputy Collector of Tinnevely would also confine D forms to assessed waste lands. The Deputy Collector of Ganjam suggests that in the case of applications for parts of survey fields, patta should not be granted unless the applicant pays the expenses of demarcation, no demarcation, however, being allowed in cases where the portion is under 25 cents. The Collector of Nellore proposes that separate D forms may be sent for assessed and for unassessed or poramboke lands, as it is prescribed that in the latter case a reference to the higher authorities for fixing the assessment and transferring the portion to the head of cultivation (the Collector means assessed) is necessary (*vide* paragraph 3 of Part II of the rules). He further considers that, as Form D seems intended only for cases of occupation for cultivation, and as there is no form for occupation for other purposes, such as plantations, &c., this form may be made a general one for all kinds of occupation without formal darkhast.

The Collectors of Kistna and Madura agree with Mr. Sewell (Collector of South Arcot) in his suggestion that Tahsildars should be allowed to dispose of cases of unauthorised cultivations as darkhasts without reference to the Divisional officer, except upon appeal duly preferred to the latter; and that the Divisional or Settlement officer should confine himself to those cases only wherein the Tahsildar has allowed cultivation to remain under *sevoi jama*. The Collector of Tinnevely considers that Tahsildars should treat the occupation as a darkhast of the date of entry in the accounts; and that there is no reason to delay the matter for the final orders of the Settlement officer. The Sub-Collector of North Arcot and the Collectors of Cuddapah and Madura suggest that in the case of encroachments a monthly statement be submitted by village officers to Tahsildars, and by the latter to Divisional officers for orders then and there, instead of deferring disposal until the *jamabandi*. The Trichinopoly Collector says that this is being done in his district.

The Collector of Vizagapatam suggests that village officers should be required to send D form every month whether there is cultivation or not, a *nil* statement being sent when there is no cultivation. Such a rule, he says, would ensure the prompt reporting of unauthorised cultivation.

Paragraphs 1 and 2. Submission of A and D Forms.—The Deputy Collector of Ganjam and the Collector of Vizagapatam suggest that Forms A and D should be sent to the Tahsildar through the Revenue Inspector—a most useful officer, who knows much more about the villages than the Tahsildar can be expected to know, but who is completely ignored by the rules as they now stand. The Collector of Godavari and the Sub-Collector of South Arcot recommend a similar course in regard to the D form alone. The Collector of South Arcot, on the other hand, thinks that the memorandum should be sent first to the Tahsildar, and after entry in the taluk register of darkhasts should be transferred to the Revenue Inspector for inspection. This course, he says, will operate as a check on the Revenue Inspector.

Paragraphs 3 and 4. Memorandum A.—The Collectors of Nellore, Madura and Cuddapah suggest that the successful darkhastdar should be required to sign column 18 of the A form in token of his having taken possession of the land. The Collector of Trichinopoly reports that this is not required.

The Collectors of Ganjam and North Arcot propose that column 18 of Form A may be omitted, as the Revenue Department does not undertake to give possession of the land; but the Collector of Trichinopoly thinks that there is no harm in the retention of this column, and that it does not matter if it has to be left blank.

The Collectors of Godavari and Anantapur and the Deputy Collector of Salem suggest that the heading of column 18 may be altered into "the date of communication of the Tahsildar's order to the parties concerned" (the Collector of Anantapur requiring the alteration to be made in the D form also). The Collector of Madura, on the other hand, would alter the heading as follows:—"The date on which the order was communicated to the successful applicant, and his signature in token of his having received the order," while the Collector of Tinnevely would require the signature of the successful, as well as the unsuccessful, applicants in token of the result having been communicated to them.

The Collector of Ganjam suggests that in the A memorandum two columns should be added, one to show the date on which the village officers' despatch it to the taluk office, and the other the date on which it is sent back after disposal to the village officers.

The Collector of Trichinopoly agrees with the Collector of Madura in his suggestion that a new column should be opened after column 8 of Form A to show whether the land applied for was left waste or cultivated, and if cultivated by whom and what portion thereof.

Forms A and D—Opening of new columns.—The Collectors of Ganjam and Madura think that new columns should be opened for entering the extent and assessment of the whole field (when parts only are applied for or cultivated), instead of having to furnish the information in the column of general remarks. The Collector of Trichinopoly, however, states that this would make the forms more bulky.

Columns 7 and 8.—The Collector of Kurnool suggests that in columns 7 and 8 extent and assessment of the whole field should be entered, the extent and assessment of the part applied for being shown in new columns which should be opened for the purpose. The Collector of Tinnevely suggests that column 7 should be sub-divided to show extent (1) of the whole field, (2) the part already occupied, and (3) that now applied for.

Column 9.—The Collector of Nellore thinks that in this column all particulars necessary to check the value of trees and buildings may be given in addition to number and description.

The Collectors of Anantapur, Madura and Bellary suggest that the girth of trees on the land should be entered. The Deputy Collector of Ganjam and the Collector of South Arcot, on the other hand, propose that the estimated quantity of trees should be given in bandy loads instead of number, description or girth, which entail much work; but the Collector of Ganjam considers that this suggestion is not good. The Collector of Trichinopoly is of opinion that it would be more advisable to substitute "girth of all trees over-inches," the minimum size being settled by the Collector of each district, and suggests that the estimated quantity may be allowed to be given in cart loads and head loads as an alternative method of describing the growth. The Collector of North Arcot observes that the column should provide for the estimated quantity (in cart or head loads) of trees being given, and whether any of the trees are held on patta, and, if so, by whom. The Deputy Collector of Salem suggests that the girth of the trees and the quantity of timber in bandy loads should be given, as in many instances the charge is made without reference to the size of the tree and the value of the timber. The Collector of Kurnool reports that information on the following points should be noted:—(a) thickness of the girth, (b) length of the trunk, (c) height of the tree, (d) probable quantity of wood in bandy loads, (e) distance between the jungle and the village, (f) if fruit trees, average value of yearly loads, (g) and (h) whether the applicant or cultivator is willing to pay the value of the trees as assessed by Tahsildars or the District Forest officer. The Collector of Madura thinks it unnecessary to note the last-mentioned item, as the assignment is proposed to be made conditional on

Column 10.—The Collectors of Ganjam and Trichinopoly propose that the heading of the column should be modified as follows:—(1) whether a right of way is necessary, and (2) whether the land is within 22 yards of the central line of a road, or within 25 yards of the foot of an irrigation embankment, and if so, what extent should be deducted. (3) whether the land has been occupied for 18 months and adjoins a reserved forest or an unreserved block of 100 acres or over. The Collector of Madura remarks that no practical difficulty has been found in filling up the column as it stands at present.

The Collector of Nellore thinks that a brief explanation should be given of the necessity for the right of way, and whether that right of way is only to adjacent lands or to any other village, that it may also be stated in the column whether the way is marked in the survey plan. He adds permission is within 22 yards of the central line of a road. The Collector of North Arcot considers that the column should be so modified as to show whether the land is within 25 yards from an irrigation work, or 22 yards from the centre of a road, or half a mile from a railway station. The Collector of Kurnool suggests that the first question "whether a right of way is necessary" may be omitted, because in fixing the assessment, allowance from the net produce was made on that account.

Column 12.—The Sub-Collector of North Arcot and the Deputy Collector of Ganjam think that column 12 should be omitted as being unnecessary; but the Collector of Trichinopoly is of opinion that the column is very necessary as it holds the officers signing the form responsible on this point.

Column 13.—The Collector of Anantapur suggests that Column 13 should show whether the land contains bangle-earth or other mineral on which a seigniorage is leviable, and that in the case of Form D it should also contain the following additional conditions, whether the party who has cultivated the land is a village officer, or whether it is cultivated for a village officer, or whether the cultivator is a relative of the village officer.

The Collector of Trichinopoly approves of the suggestion of the Kistna Collector that an entry should be made in column 13 of the D form as to whether the cultivator is a village officer.

The Collector of Kurnool thinks that the entry regarding relinquished lands should be omitted as such lands must be sold under Board's Proceedings, No. 2972 of 1879, before relinquishments are accepted.

Column 19.—The Collector of Madura suggests that in cases where parts of survey fields are applied for or cultivated, the fact of their being durably demarcated should be noted in the column.

Column 11 of Form D.—The Collector of Tinnevely suggests that in order to prevent unnecessary relinquishments when the occupant does not want patta, the fact should be noted in the column.

General suggestions under forms A and D.—The Collector of North Arcot reports that certain suggestions are made by the various officers of his district to open fresh columns in A and D forms to show (1) whether the field applied for is cultivated or waste, (2) whether it is a whole survey field or a portion of one, (3) whether the cultivator or occupier is a village officer, &c., and that though these suggestions are no doubt good and would be convenient for reference, he is against the forms being made more elaborate and unwieldy and thinks that the information can be given in the column of remarks.

The Deputy Collector of Salem considers that A and D forms should be given the widest publicity in the village by being tom-tomed, and by affixing a copy to the village chavadi. A certificate of publication under the joint signature of the karnam, the munsiff and two respectable inhabitants able to read and write should, he thinks, be made indispensable.

The Collectors of Bellary, Trichinopoly and Madura suggest that when the land applied for or cultivated forms part of a survey field, a sketch showing the relative portions of the occupied and unoccupied portions should be forwarded with Form A or D. The Collector of Tinnevely would have the sketch forwarded, whether the land applied for or cultivated is a portion of a survey field or the whole field itself; in the latter case, the adjacent lands and the names of their owners should be shown.

Part II, Paragraph 1.—The Collector of Tinnevely suggests that Board's Proceedings, dated 11th October 1887, No. 677, prescribing the procedure to be observed in darkhast appeals may be quoted on the margin of the paragraph.

Paragraph 2.—The Collector of Kurnool suggests that this paragraph may be transferred to Part I.

Paragraph 3.—The Collector of Kurnool thinks that this paragraph should be altered with reference to his suggestions for the treatment of unauthorised cultivation.

Paragraph 4.—The Principal Assistant Collector of Vizagapatam observes that in reference to an officer in charge of an irrigation work, the embankment of which is within 25 yards of the land, is unnecessary, as paragraph 12 absolutely forbids such lands being given on patta.

The Head Assistant Collector of Kistna asks for a rule fixing the distance from reserved reserves beyond which lands may be granted without reference to the District Forest-officer.

The Collector of Bellary considers that when the land does not adjoin a reserved block, reference to the Forest-officer is unnecessary; while the Collector of Kurnool is of opinion that reference to the Forest-officer will become unnecessary, if the work of reserving lands for fuel and fodder is complete, and if it is then decided once for all whether any extension is necessary.

Paragraph 5, Clause 1.—The Collector of Kurnool observes that the words "or if a well exists, the ryot who has been using the well-water, &c." in clause 1 of the paragraph are unnecessary, as under Board's Proceedings, dated 1st August 1885, No. 2245, persons using old wells on Government waste were given an opportunity of taking up such waste on patta, failing which they have lost their preferential claim. Under the present rules, he adds, a ryot cannot dig a well on land which is not private.

The Deputy Collector of South Arcot suggests, and the Collector agrees, that clause 1 may be amended thus:—"If scattered trees on the darkhast land are already held on patta, or if a well, or a house, or a burial-ground; or an indigo vat, exists on the land, the holder of the tree patta, or the ryot, or person or persons who have been using the well and burial-ground, or those who occupy the house, &c., should have preference."

Clause 3.—The Deputy Collector of Ganjam and the Collectors of North Arcot and Madura suggest that the holder of a portion of the same survey field may have preference over that of an adjacent survey field. The Collector of Ganjam, however, does not agree. The Collectors of Trichinopoly and Kurnool consider that the introduction of this rule is unnecessary, as the portions of the survey field, when demarcated and sub-divided, become to all intents and purposes separate fields.

The Principal Assistant Collector of Vizagapatam and the Collectors of Cuddapah and Coimbatore consider that clause (a) should be done away with. It is very rarely, says the Principal Assistant, that the holder of the adjoining land is the first applicant; he invariably comes forward with his application after every one else has applied, and his object is merely

to keep others out of possession, so that he may have a piece of waste land conveniently near his own field to graze his cattle on. The Collector of Coimbatore would do away with clause (b) also.

The Sub-Collector of Godavari suggests that clause (a) should be waived in favour of the first applicant who is a ryot of the village; but who has no adjacent holding. The Collector says that this may be done if the first applicant has occupied the land for *bona-fide* cultivation. The Collector of Vizagapatam also acquiesces in this suggestion, adding that the objection of the Collector of Kistna to "land-grabbers" would not extend to men who already hold land on patta. The Collector of Tinnevely thinks that far too much consideration is paid to adjacent landholders, and proposes the following order of preference:—

- (1) Holders of assessed trees on the land applied for.
- (2) First applicant.
- (3) Where applications are of the same date—
 - (a) Applicant for whole field,
 - (b) Adjacent landholder,
 - (c) Resident ryot.

The Collectors of Kurnool and Madura consider that it would be unfair to remove clause (a) altogether, as the ryots have been enjoying the right from time immemorial. The former Collector proposes the following addition:—"To a ryot whose land adjoins, if the land applied for is unoccupied only during the two preceding fasli years; if it was unoccupied for more than two years, no preferential claim on the part of the adjacent landholder should, he says, be admitted."

The Collector of Coimbatore observes that the right being one of some value, it should not be done away with without a year's notice.

The Collector of Trichinopoly thinks that extreme minuteness in defining the comparative rights of various darkhastdars would be a mistake; that in many cases the words "as a general rule" in the second sentence of the paragraph have been overlooked by Collectors who suggest amendments and modifications, and that the present rules have worked well and may be retained.

The Collector of Kistna states that it is desirable to encourage all resident villagers to become landholders, and, on this ground, he proposes to read "resident of the village" instead of "ryot" in clause (b). He adds that the lower classes are now rising in the social scale, and should be encouraged rather than impeded in their efforts to acquire land.

With reference to Mr. Mullaly's suggestion that an occupier for *bona-fide* cultivation, though without darkhast, should have precedence over one whose land adjoins, the Collector of South Arcot remarks that it would be compelling the ryot to acquire land when he has enough already, merely to keep off inconvenient neighbours, and the rule is not therefore advantageous. The Collector of Madura, however, thinks that the rule is a very good one, and that if it were adopted, no cultivable land would be needlessly left waste.

Mr. Arundel suggests that when two persons with equal rights on all points apply for portions of fields, and it is undesirable to leave the remainder unassigned, the whole field should be divided among them. The Collector of Madura does not agree for the reasons that, in the first place, it will be a difficult matter to decide when it will be undesirable to leave the remainder of the survey field unassigned, and that, secondly, it is unreasonable to compel a man to take what he does not want. The Collector of Kurnool is of the same opinion for the second reason.

Mr. Arundel also suggests that in cases where each of the applicants applies for the whole field, and their claims are equal; or when they have adjacent holdings of varying extent, the land applied for should be divided among them. The Collector of Madura considers, however, that in these cases the land should be sold by public auction, as a division, in the proportion of holdings, might give one man only a few cents out of several acres, and would be a very different thing to a division according to extents applied for. The Collector of Kurnool also concurs with him in this view.

Paragraph 9.—The Collector of South Arcot would add the words "among the applicants" after "highest bidder" at the end of the paragraph, as he presumes that it is not the intention of Government to admit outsiders at the auction. The Collector of Kistna thinks that the closing provision of this paragraph should be enlarged: in the delta, as the distributary channels are extended, in the uplands through the construction of railways, and in the district generally through increasing prosperity, lands acquire, sometimes suddenly, a high value, and as the increase in value is due to State expenditure, there is no reason why this "unearned increment" should fall to the adjacent landholder. He therefore recommends the following addition:—"The Collector may in like manner order an auction sale in any other case in which he considers that the land has acquired a special value."

The Collector of Tinnevely reports that the time has come when Government should, if unoccupied land has a saleable value for occupation, exact that value before parting with it. Land, he says, is frequently granted for nothing, for which money would gladly be paid. To meet the objection that ryots cannot pay for the land, he states that the rules as to preference in para. 5

are framed in the interests of persons who are more able to pay than those whom Government might favour when it asks no price, viz., the landless classes.

Paragraph 10.—The Sub-Collector of North Arcot and the Collector of Madura suggest that the order of assignment should be considered subject to the following conditions:—(1) that the value of trees, wells, &c., is paid within 20 days from the date of the communication of the order to the applicant and (2) that sub-divisions are sanctioned as per rules by the Divisional officer. The Collector of Kurnool would make it conditional on the second ground. The Deputy Collector of Tinnevely would refuse applications for portions of survey fields till sub-division has been sanctioned.

The Collector of Cuddapah thinks that 20 days' time for payment of the value of trees is too small, and that one month would be better; while the Collector of Tinnevely would allow only a period of 15 days.

The Collector of Godavari considers that it would be a harsh measure to cancel an application which has been duly sanctioned, and he therefore proposes that if the applicant does not pay within the fixed period of 20 days, the trees should be sold at public auction.

The Collector of Kurnool and the Deputy Collector of Salem suggest that the value of trees should be collected under Act II of 1864 in the same way as arrears of revenue. This course, the Deputy Collector of Salem remarks, would avoid complications in accounts.

The Collector of Trichinopoly considers that the suggestion of the Collector of Madura to provide for the recovery of the value of any well in the land darkhasted for, in addition to that of the trees, is unnecessary, as such cases will be rare and may be settled by sale by auction.

The Collector of Salem thinks that the rule providing for the recovery of the value of trees is very hard upon the poorer ryots, as payment is the rule and reservation the exception under the Forest rules in force. Collectors, he says, should have more discretion to allow reservation of trees in any case they think fit, and not only in special cases.

Paragraph 12.—The following addition is proposed by the Collector of Kistna:—"Unless the Public Works Department certify that it is not required" (*vide* also paragraph 4).

General.

The Collectors of Ganjam, Nellore, Cuddapah, Anantapur, Kurnool, North Arcot, Trichinopoly and Madura, and the Deputy Collector of Salem suggest that orders passed in darkhast cases should be communicated to the successful, as well as the unsuccessful, parties in the form of a short endorsement—the Deputy Collector of Salem considering that the communication should be taken as equivalent to putting the successful applicant in possession.

The Collector of Kurnool proposes the following form of endorsement:—

"Rami Reddi of Nandyal is informed that his application for _____ has been ^{accepted} or ^{rejected} or ^{assessment} that his cultivation or occupation of No. _____ has met with the imposition of Rs. _____"

The Collector of Salem is of opinion that copies of orders in darkhast cases, whether original or appeal, should be communicated direct to parties, and the Collector of Tinnevely thinks that no darkhast should be disposed of except in open Kacheri after due notice issued to all concerned.

The Collectors of Ganjam, Trichinopoly and Madura suggest that in cases where the Deputy Tahsildars are the disposing officers, the papers disposed of by them in cases of darkhasts, or unauthorised cultivation, should be forwarded to the Tahsildars either once a month or immediately. The Collector of South Arcot considers that it would be enough if the Deputy Tahsildar's register of darkhasts alone is sent, and not the records.

The Collector of Nellore thinks that it is necessary that the old C register of darkhasts should be maintained in the village, to enable the Tahsildar or Divisional officer to check whether all the applications have been duly entered.

The Collector of Kurnool suggests that Board's Proceedings, dated 24th February 1888, No. 93 (Settlement), may be cancelled so far as concerns the C register, and the revised form submitted with his letter may be substituted for statement No. 3 and its enclosure A of the Village Manual.

The Collector of Tinnevely suggests that the extent of land a Tahsildar or his Deputy can dispose of should be limited to 50 acres, and that larger areas should be dealt with by Divisional officers.

APPENDIX B. STANDING ORDER No. 30.

Grant of lands for cultivation.

Pattas for unoccupied assessed lands may ordinarily be granted to applicants by the Tahsildar on his own authority under the following rules and subject to appeal as hereinafter provided, unless such lands fall under one or other of the classes specified in the following paragraph.

* In the whole of this order, the word "Tahsildar" includes also Deputy Tahsildar acting within his own division.

2. Lands, the grant of which for cultivation on ordinary applications is *prima facie* objectionable.

- (i) *Lands reserved as required for public purposes.*—Applications for land, which, although assessed, has been reserved for Government, village, or other special purposes, are not to be entertained by the village authorities or the Tahsildar without the express permission of the Collector or the Divisional officer to whom the party should apply in the first instance by petition bearing a half-rupee Court fee stamp. Such lands should be entered as reserved in the paimash or settlement register and in the village adangal.

Standing Order No. 30, paragraph 26.

- (ii) *Lands within Forest reserves.*—When any land has been set apart as reserved under rule 2 of the rules under section 26 of the Forest Act, the survey number of that land should be entered as reserved in the appropriate column of the paimash or settlement register and of the adangal of the village, and no patta granted for such land will be valid unless it has been granted with the special sanction of the Board of Revenue, to be recorded on the face of the patta. The possibility of a fraudulent enfacement on the patta must be guarded against.

Standing Order No. 30, paragraph 31.

- (iii) *Lands in the vicinity of Forest Reserves.*—If land has been unoccupied for eighteen months and adjoins a reserved forest or an unreserved block of 100 acres, the District Forest officer should be addressed as to whether there is any objection to its grant on patta before any application for it is entertained.

Standing Order, No. 30, paragraph 11.

- (iv) *Lands containing trees or valuable trees or trees held on tree-patta.*—(a) Where any land contains large groups of palmyras or fruit trees, or valuable timber trees, whether growing spontaneously or artificially, it will generally be desirable to keep the ownership in the hands of Government for abkari or other purposes. Tahsildars should, therefore, use considerable discretion in alienating such lands, and should, in all doubtful cases, obtain the orders of the Divisional officer.

Standing Order No. 5, paragraphs 7 and 13.

Standing Order No. 5, paragraph 6.

Standing Orders Nos. 3 and 34.

- (vi) *Lands in the vicinity of Railway stations.*—As much inconvenience is entailed by lands in the vicinity of railway stations being given over to private individuals, Collectors should, under no circumstances, dispose of any Government land for private occupation of any kind within half a mile (880 yards) of the boundary of the railway station land without the sanction of the Board in each individual case, and they should give their Taluk subordinates to understand that they are prohibited from permitting any such occupation without special orders, and that they will be held personally responsible for any unauthorised occupation whether by their act or neglect. The sanction of the Board above referred to will not be given unless, for special reasons, the Railway authorities are in favour of the grant. Such lands should be registered as reserved in the village accounts.

Standing Orders Nos. 13 and 13-1.
Government Order, in Board's Proceedings, dated 20th June 1882, No. 1588.

- (vii) *Waste lands containing minerals, quarries, &c.*—Waste lands containing valuable minerals or quarries of building-stone, &c., should not be granted for cultivation on patta. Any application made in respect to such lands should be referred by the Collector, with full particulars and suggestions, for the orders of the Board.

Standing Order No. 15, paragraph 4.
Standing Order No. 30, paragraph 26.

- (viii) *Relinquished lands.*—Lands relinquished with arrears due thereon should not, where they are valuable, be granted on darkhast, but should be sold as provided in paragraph 6 of Standing Order No. 31.

Standing Order No. 31, paragraph 5.

- (ix) *Lands sold for arrears of revenue and bought in by Government.*—These will be dealt with as set forth in Standing Order No. 110, paragraph 3.

Standing Order No. 110, paragraph 3.

Standing Order No. 12, paragraph 4.

- (x) *Lands acquired by Government for public purposes on payment of compensation, but not now required.*—These should be dealt with under Standing Order No. 12.

- (xi) *Tank-bed lands and lankas.*—Tank-bed lands should be dealt with as set forth in Standing Order No. 18-1, and lanka lands in Godavari and Kistna will form the subject of special leases.

Standing Order No. 18-1.

Board's Proceedings, dated 20th July 1874, No. 1838, and 21st January 1875, No. 120.

Standing Order No. 33.

- (xii) *Assessed waste lands on the Nilgiris, &c.*—Assessed waste lands on the Nilgiris and Shevaroy Hills and in the Wynad should be dealt with as provided in Standing Order No. 33.

RULES FOR THE DISPOSAL OF UNOCCUPIED ASSESSED LANDS ON DARKHAST.

3. Applications for assessed lands must be in writing and must clearly specify the land desired. They may be presented on plain paper, and may be given in at any time of the year; but no application can be received except for land which is actually at the time unoccupied, or has then been relinquished. Applications can, however, be received for lands which have been occupied without proper sanction.

No notice should be taken of conditional darkhasts.

4. Applications for ordinary assessed land may be made either to the village authorities or to the Tahsildar; but the disposal of such cases, subject to the necessary appeal, rests always with the Tahsildar. Applications by village officers and their undivided relatives must, however, always be made to the Tahsildar in the first instance.

Standing Order No. 30, paragraph 4.

5. When an application for land is made, in the first instance, to the Tahsildar, it is to be referred by him to the village authorities for report. On the receipt of the application by the village officers, either direct or through the Tahsildar, it should at once be entered in register

O given in the appendix and the fact of the application published in the village by beat of tom-tom, and a notice of it in Form A-1 (in the appendix) posted up in the village choultry, and on the darkhast land for fifteen days. At the end of that period a memorandum in duplicate (Form A in appendix) should be prepared and sent to the Tahsildar without delay, together with the notice (Form A-1), which should be signed by the monigar and the karnam and attested by at least two other persons in token of such publication. The attesteers ought to be persons holding adjacent lands or other persons having prior claims under paragraph 8 *infra*. If there are none of these, or they are illiterate, any two other respectable inhabitants may attest. But in this case the reason for the adjacent landholders, &c., not attesting should be explained at the foot of form A-1. The memorandum should also be accompanied by a list in form A-2 (in the appendix) showing adjacent landholders.

6. Subject to the provisions of Standing Order No. 28, sub-division of survey fields is to be permitted without restriction for the purposes of darkhast, but, as stated in paragraph 8 below, darkhasts for whole survey fields will have the preference over darkhasts for portions only.

Standing Order No. 30, paragraph 28.

7. If the village officer's report shows that no objection exists to the grant of the land applied for on patta, and there is only one applicant therefor, the land should be granted to him on his complying with the conditions set forth in paragraph 23 *infra*. If there are several applicants, the Tahsildar should decide which of them is entitled to preference and should grant the land accordingly, subject to the conditions referred to in paragraph 23 below.

Standing Order No. 30, paragraph 12.

8. As a general rule, preference between two or more applicants should be in the following order:—

(1) If scattered trees on the darkhast land are already held on patta, or if a well exists on the land, the holder of the tree-patta or the ryot who has been using the well-water for cultivation should have preference.

(2) Darkhasts for whole survey fields will have the preference over those for portions only.

(3) In the absence of claim on either of the above grounds, preference will be given in the following order:—

- (a) to a pattadar of the village whose land adjoins;
(b) to the first among the applicants who is a pattadar of the village;
(c) to the first applicant in the absence of any of the above privileged persons.

Provided that a ryot through whose relinquishment the land became unoccupied and liable for allotment can have no preferential claim except as a prior applicant.

9. The above are general rules, and may be departed from in special cases when considerations of equity require it, but not otherwise. In such cases full reasons for the decision should be clearly stated in column 18 of the village officers' memorandum.

Standing Order No. 30, paragraph 15.

10. When a road runs through the land darkhasted for, the extent required at a maximum width of 44 yards should be deducted, and the remainder assigned for cultivation.
Standing Order No. 30, paragraph 18.

11. Similarly, when the bank of an irrigation work runs through or near the land, the extent of land required to allow a 25 yards' margin along the foot of the embankment should be deducted if the irrigation work is an important one, such as a main canal, a main distributary, or a main channel. In the case of sub- or minor- distributaries or minor drains, a margin of 6 yards will be sufficient. Detailed lists of both the classes of works above referred to will be furnished by the Department of Public Works; but, if in any case the irrigation work concerned is not found in either list, a margin of 25 yards should be reserved, or reference made to the Executive Engineer. In cases of channels without embankments a margin of 3 yards should be deducted. The land deducted as above should be shown in the accounts as tank or channel poramboke as the case may be.

12. Orders passed in darkhast cases should at once be communicated by the Tahsildar to all the parties concerned. Printed endorsements in the form D given in the appendix may be used.

13. When assessed waste land is darkhasted for under these rules by two or more persons, and the Tahsildar, Divisional officer, or Collector, as the case may be, is unable to decide which of them has the best claim to have the land assigned to him for cultivation, the Collector of the district may order the right of occupying the land to be sold by public auction to the highest bidder. The purchaser at such auction will be liable to pay the same assessment as if the land had been assigned to him in the first instance on darkhast. Any person may bid at such auction. When land is thus sold, a provision should be inserted in the conditions of sale similar to clause 3 of section 36, Act II of 1864 (Madras), requiring the deposit by the purchaser, at the time of purchase, of a sum equal to 15 per cent. of the price, the deposit being declared liable to forfeiture should the remainder not be paid within thirty days from the date of sale.

14. From the Tahsildar's decision in darkhast cases an appeal will lie to the Divisional officer if made within thirty days. No second appeal from the decision of a Divisional officer will lie as of right to the Collector, nor will a second (or third) appeal lie as of right to the Board of Revenue; but the Collector or the Board, as the case may be, may, for special reasons, admit such an appeal, provided it is received within thirty days in the Collector's office or forty days in the Board's office, reckoning as aforesaid. An appeal may also be admitted by any officer after the period of limitation prescribed in this order for that purpose when the appellant satisfies the appellate authority that he had sufficient cause for not presenting the appeal within such period, and provided that a patta has not been issued for the land under the provisions of paragraph 15 by a competent officer. As in the case of an appeal in a civil suit, the days will be reckoned from, and exclusive of, the day on which judgment was pronounced, and also exclusive of such time as may have been requisite for obtaining a copy of the decree appealed against. The date of the decision, the date of application for copy, and the date of copy being ready for delivery, should all be posted up on the back of the copy with a note of the day on which appeal time expires. Any person interested in the matter may appeal.

15. The applicant put into possession by the Tahsildar has sometimes been summarily dispossessed by order of the Divisional officer, and the person in whose favour the Divisional officer has decided has been again ousted by order of the Collector. These acts of dispossession cannot be said to be "by due course of law," and should be put a stop to. When an appeal is admitted, it will be the duty of the admitting authority forthwith to send a notice to the officer whose decision is appealed against, informing him of the fact and requiring him to send up the records and instructing him to withhold the issue of patta until the appeal has been disposed of. Patta must then be withheld accordingly, or if given, will be considered as only conditional till the appeal is disposed of. If no such requisition is received by the Tahsildar from the Divisional officer within twenty days after the expiry of the appeal time, he will understand that no appeal has been admitted, and will proceed to register the person in whose favour decision was given as entitled to receive a patta at the next jamabandi. In like manner the Divisional officer will issue a patta to the person in whose favour he has decided in the absence of a similar notice from the Collector within the same period. In cases where the Collector has passed a decision on appeal, he will be free to issue a patta in accordance therewith after waiting thirty days after the expiry of the appeal time, without having received a notice of admission of appeal from the Board's office. Provided with this patta, the person in whose favour the decision of the final appellate authority has been given must be left to sue the party in possession, if any one be in possession, and if he cannot induce him to vacate by any other lawful means. It should be distinctly understood that a patta granted by subordinate officers will be considered

only conditional, and that it will be liable to cancellation by a superior authority if its grant is found to be irregular and unauthorized, although there may be no proof of fraud.

16. No appeal petition should be admitted unless accompanied by certified copies of the decision or decisions already passed in the case. No District officer should decide a case in a first appeal without giving the other party notice to appear and be heard. Furthermore, the decision, whether in English in the officer's own hand or in vernacular prepared under his verbal instructions, should be kept with the record of the case, and a copy given to parties, as a matter of course, on their application, and on payment of any necessary fees or stamp. Orders passed on appeals should be communicated to the parties concerned in writing, unless the decision was passed in their presence.

17. In no part of the Tahsildar's work are promptitude and system more important than in the disposal of darkhast cases. While on tour, he should dispose of any darkhast that may be pending in the villages visited.

Standing Order No. 30, paragraphs 21 and 22.

APPLICATIONS FOR UNASSESSED LANDS ON CULTIVATION.

18. Applications for unassessed lands on cultivation should be presented on paper bearing a half-rupee Court fee stamp to the Tahsildar or the Divisional officer. The Tahsildar will then make inquiries as to whether the land falls under channel or communal poramboke, or its grant is otherwise objectionable on any of the grounds specified in paragraph 2 above. If the grant of the land on patta appears unobjectionable, the Divisional officer can pass orders directing its transfer to the head of "Ayan" or "assessed" land, and its grant on patta or its disposal under the darkhast rules. In the latter case an A memorandum should be sent in by the village officers, and the ordinary darkhast rules will apply.

UNAUTHORIZED OCCUPATION OF ORDINARY ASSESSED LANDS.

19. In cases of occupation of assessed lands without formal application, a separate memorandum in duplicate in the form (A) prescribed for formal darkhasts should be sent by the village officers to the Tahsildar once a month, notice of such occupation being previously published in the village in the manner provided in regard to formal darkhasts in paragraph 5 supra, with a note in the remarks column as to whether a patta is desired or not. On receipt of the memorandum, if the latter shows that patta is desired, the Tahsildar should dispose of each case under the rules laid down in the case of formal applications. If patta is not desired, the assessment for the fasli will be charged as *sirai-jamma*. A nil statement should be sent for each month in which there has been no unauthorized occupation.

UNAUTHORIZED OCCUPATION OF UNASSESSED LANDS OR ASSESSED LANDS RESERVED FOR PUBLIC PURPOSES OR THE ASSIGNMENT OF WHICH IS OTHERWISE BARRED UNDER PARAGRAPH 2 ABOVE.

20. In cases of unauthorized occupation of lands falling under the above heads without formal application, a separate memorandum in Form B should be sent monthly, in duplicate, by the village officers to the Tahsildar, a nil statement being sent if there is no such occupation in any month. The Tahsildar should, in due course, obtain the orders of the Divisional officer, who has discretionary power (subject to the reservations specified in paragraph 2 above) to transfer the land to the head of ordinary "assessed," and then to give it out on patta to the occupier, or order its disposal under the darkhast rules. If, however, the occupation is, in the Divisional officer's opinion, objectionable, he can check it by the imposition of prohibitory assessment without limit. The orders of the Divisional officer should be communicated to the village officers in the duplicate copy of the memorandum.

21. When unassessed lands are ordered to be assigned on patta, the assessment to be charged will ordinarily be the assessment on similar land in the neighbourhood; but the Divisional officer has a discretion in the matter.

Standing Order No. 16, paragraphs 4, 5 and 6.

22. Village officers are absolutely prohibited from entering upon or cultivating assessed or unassessed waste lands whether in their own or other villages, unless such lands have been assigned to them under the darkhast rules by competent authority.

Standing Order No. 16, paragraph 3.

GENERAL CONDITIONS APPLICABLE TO ALL ASSIGNMENTS OF LAND UNDER THIS STANDING ORDER.

23. (1) The applicant must, if his application be complied with, be ready to pay the assessment on the land for the fasli in which he receives possession of it, unless otherwise specially ordered by the Tahsildar. In the

whole amount of assessment of the land shall be payable within thirty days after the amount has been fixed by the proper authority and notified to the party concerned.

(2) Where there are trees standing on the darkhat land the assignment will be conditional on the successful applicant paying their value as settled by the District Forest-officer or under the orders of the Collector within thirty days of assignment. In default the assignment will be null and void.

of the order of assignment. In default the assignment will be cancelled.

(3) Applicants for demarcated land in districts where waste land has been demarcated at the cost of Government, will be required before taking possession, to pay the expense which has been incurred in demarcating it, the amount being calculated on the average cost of demarcation in the taluk. If the land has been unoccupied since the date of demarcation, the entire expense of the demarcation so calculated will have to be paid by the applicant, and in the case of land which has been occupied since the demarcation, the applicant will be required to pay any balance known to be due on that account by the previous occupant. If there are no boundary marks, it will be incumbent on the applicant to place them in such manner as may be required by the village authorities.

INSTRUCTIONS AS TO THE PREPARATION OF A AND B FORMS.

24. In preparing the memoranda A and B, village officers should see that the several columns are correctly filled in.

25. A Memorandum.—In column 5 of the A memorandum, the land should be described as wet or dry. In filling up column 12, it should be explained why a right-of-way is required, whether to allow access to cultivable waste or for what other purpose. If an irrigation channel or the embankment of an irrigation work does not run through the land, but merely adjoins it, its distance from the land should be reported. In column 13 should be included the names of all persons who have applied for the land or who have objected to its grant to the applicant or occupier. Columns 1 to 16 should be filled in by the village officers, and the memorandum should be dated and signed both by the moujdar and karnam. When the submission of the memorandum is delayed beyond 20 days from the date of receipt of the application, the cause of the delay should be explained in the remark column. For the correct filling up of the memorandum, the village officers should be held responsible. Columns 17 and 18 will be filled in by the Tahsildar, and one copy of the memorandum will be returned to the village officers, who will thereupon fill in column 19 and carry out the orders of the Tahsildar.

26. Files of A and B memoranda and the register C should be maintained by the village officers, while a register in the form No. 4 prescribed in the Taluk Manual should be kept in the Tahsildar's office. It will be the duty of the Tahsildar to have the village file of A memorandum and the C register examined and compared with the taluk register, and to submit the latter, at the time of settlement, to the officer making the jamabandi, with an attestation under his signature duly certifying that it is correct. He will also obtain the countersignature of the settlement officer to it, in testimony that it has been submitted and has been found open to no objection. It will be the duty of jamabandi officers to examine how far the above rules have been observed.

Standing Order No. 30, paragraph 30.

27. Copies of the rules and forms in the vernacular should be supplied to the taluk and village officers.

SPECIAL DARKHAST RULES.

Standing Order No. 30, paragraph 32.

28. There are special rules for the disposal of lands in the district of Chingleput, which are given in the appendix.

B. MEMORANDUM.

STATEMENT showing unauthorised occupation of unassessed lands or assessed lands reserved for public purposes or the assignment of which is barred under paragraph 2 of Standing Order No. 30, in the Village of _____ in the Taluk of _____ during the month of _____

Serial number.	Description of land.	Survey number, if any.	Details of occupation.				By whom occupied.		How occupied—by cultivation or erection of houses, &c.	Prohibitory assessment, if any, previously imposed.	Village officers' opinion.	Revenue Inspector's remarks.	Tahsildar's opinion.	Divisional officers' order.	Remarks.
			Extent occupied.	Rates of assessment of adjoining lands.	Assessment of the extent shown in column 5.	Number of patta.	Name of the party.								
1		3	4	5	6	7	8	9	10	11	12	13	14	15	16
			ACS.	ACS.	RS. A.	RS. A.	3	3		RS. A.			3	1	

[illegible][illegible]

Notes—When the form is used for formal application the words “or occupation,” “or occupier” and “or occupied” in columns (1 and 2)—3 and (5 and 9) respectively, should be struck out. When it is used for cases of unauthorised occupation, the words “application or,” “applicant or,” and “applied for or,” in those columns should be struck out.

A-1.—Notice of application for waste lands.

A-1.—Notice of application for waste lands.

It is hereby notified that _____ of _____ village has ^{applied for} cultivated the lands shown in the subjoined schedule. Persons having objections to the grant of a patta for the lands should intimate the same to the monigar and karnam of the village:—

Schedule.

Schedule.			
Numbers of the Fields.	Extent.	Assessment.	Boundaries.
	ACS. CTS.	R5. A. P.	

Dated

Monigar.
Karnam.

Certified that the above notice was published by beat of tom-tom and was posted up at the village choultry and on the lands in question on the date specified above.

Signature of the owners of adjacent lands, or persons having prior claims, and in their absence, or if they are illiterate, the signature of any other respectable inhabitants:

(Signature) Monigar.
(") Karnam.

A-2.—List showing adjacent lands

Vil'age

Taluk.

[illegible]

FORM D.

Rami Reddi, of	village, is informed that his application for the land described
Village.	in the margin has been ^{accepted} ~~rejected~~ , subject to the
Survey number and letter of the field.	result of any appeal that may be preferred and
Extent.	to the payment within 30 days of the value of
Assessment.	the trees on the land as shown in the margin.

If no payment is made within the time fixed, the assignment will be cancelled.

TAHSILDAR'S OR DEPY. TAHSILDAR'S OFFICE,
Dated

Tahsildar or Deputy Tahsildar.

REVENUE DEPARTMENT.

1893.

Board of Revenue

(Land Revenue),

MADRAS.

Printed January 11th, 1893.

21 JAN 93

Encl.

Proceedings, 23rd November 1892, No. 673.

Reviewing Collectors' reports on the working of the darkhast rules, and submitting, for the approval of Government, a revised Standing Order on the subject.

BT 3469 48-6-92-112
To 180 d, 3-2-75 mif. 25
To 100 d, 12-1-81
P.P. 522 d, 12-6-88-M.G.
P.P. 512 d, 9-1-92-11-1-92
To 72 d, 14-7-92
P.P. 280 d, 10-6-92-3281-11-1-92
19-7-92

Cnos. 533 and 1626 of 1893.

For Order.

9

In the first of the Proceedings read above the Board of Revenue reviews the reports of Collectors on the working of the new Darkhast rules (S.O. no. 30) introduced in Fesli 1296 (vide G.O. 2, 8.3.87 no 1492); and after passing orders on the suggestions made by district officers for the improvement of the rules, submits for the approval of Government a revised S.O. on the subject.

2. The suggestions of Collectors and other district officers are summarised in Appendix A to the Proceedings and the more important of these are considered in paras 3-11 of the Proceedings.

3. The revised S.O. is given as Appendix B: the reasons for revision are given in para 12 and the changes made are explained in para 13.

4. The

4. The concluding para (14) relates to the amendments to be made in other standing orders in consequence of the proposed revision of S.O. no 30.

5. The second current contains an addition proposed to be made in the revised S.O. and a qualification to a remark made by the Board in the first current.

6. The chief alterations made in the existing S.O. are the following:-

(a) That darkhast applications of village officers and members of their families should invariably be made to the Tahsildar.

(b) That instead of requiring as at present all formal darkhasts to be reported in form A as the cases occur and unauthorized occupations of all classes of lands in Form D once a month, the A-form, slightly amplified, is prescribed to be used for all cases of assessed lands whether formally applied

71
applied for or occupied without application, and the D form is replaced by a simpler form B which is intended to show the details of unauthorized occupation of all other classes of lands and to furnish ^{only} such information as will enable the Divisional officer to decide whether the lands can be assigned or not. The new procedure prescribed is that when orders are passed on the B-form to the effect that the land can be assigned, the A-form should be used thereafter.

(c) That paltas should be granted on unauthorized occupations of lands only when the parties require them.

(d) That in lieu of the existing orders which require that the value of trees, if any, standing on darkhast lands should be collected before the successful applicant is put in possession of it, the assignment to be made subject to the condition that it should be cancelled if within

4

No. The B's addition to Page 29 this
Prob. is not logical. They say that the
value of time charged cannot be collective
as a series of Reas. under Act 79/64,
unless the party has actually been put
into possession then ~~that~~ ^{the value is} ~~under~~ ^{unworth}
under another Act viz: the Forest Act.
Edw

in
Feb

note. The alterations and additions made in the existing S.O. are indicated in the copy marked XXX.

100

This would be better -
It would be better still to ^{help} "free" France

Not necessary. - L.G.

44 3/4

3/4
Mouger's
A. F. Childs & Co. Inc.
2nd St. N. Y. C.

5 73

-tion on payment of assessment

(2). Para 2 (iv) lines 5 + 6.

The expression here is "other purposes". But in S.O no 5, para 13 the expression is "other Governmental purposes". May the latter form be adopted.

(3) Para 4, line 4. For "their undivided relatives" the following may be substituted. "Members of the families", as proposed by the Board in para 4 of its Progs.

(4) Para 8. Proviso. The Board has made a change here directing that the ryot through whose relinquishment the land became unoccupied should forfeit the preference which he would otherwise have under clauses (1) and (2) of para 8. (vide para): but this preference given under clauses (1) + (2) contemplate certain advantages which need not, it is thought, be forgone merely because the applicant had previously relinquished the land.

(5) Para 11, line 6: In the expression

4 The Bona (of wh. I was a
 member) thought otherwise. H
 I kick so too. ~~to~~ By L.L.
 his relinquish and he has announced
 all claim to it. He states it has
 been J.H.P.

expression "a main channel".
The word "drainage" may be
inserted before the word chan-
nel. The omission was apparently
an oversight - vide para 2 of
the Chief Engineer's letter at
page 2 of B.P. W.S.O. 15.10.92
No. 4507.

Yes.
LH
JAF WS

(6) Para 14, line 7: The
words "as aforesaid" should be
"as hereunder".

Yes.
LH
LH

(7) Para 23(1) line 4: The
word Tasildar should be altered
into 'Collector' - vide para 3 of the
existing S.O. No. 30.

Para 15. This requires attention
in line 9 "issue of patta"
should be changed to "issuing of the land"
in line 10. "Patta" should be
changed to "Registry" in line
15 for "issue of patta". It should
be "and registry in the name of".
In line 22 for "patta granted" it
should be "the registry name" and
deleted.

(8) Para 23(2): With reference
to this please see para 8 of the
B.P. and para 2 of C.O. 1686.

The Board thinks that
under rule 5 of the rules
under sec 26 of the Forest Act
(vide S.O. 21.1.90 No. 54)
the tree value could be recovered
as an arrear of land revenue, if
the party has been actually
put into possession.

It may be doubted
whether sec 66 of the Forest Act
would apply to the case. The rule
5 under sec 26 requires that the
value

...the value of the trees must be paid before the applicant is put in possession, and it is not clear how the Board makes out that under this rule the applicant could be proceeded against for the value of the trees, if he has been actually put into possession. It may also be noted that the rules framed under sec 26 of the Forest Act relate to lands at the disposal of Government, and land assigned on patta will cease to be such land under the definition of ~~the Act~~ as given in sec. 2 of the Forest Act.

~~...the value of the trees must be paid before the applicant is put in possession, and it is not clear how the Board makes out that under this rule the applicant could be proceeded against for the value of the trees, if he has been actually put into possession. It may also be noted that the rules framed under sec 26 of the Forest Act relate to lands at the disposal of Government, and land assigned on patta will cease to be such land under the definition of the Act as given in sec. 2 of the Forest Act.~~

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before the applicant is put in
possession, and it is not clear
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under this rule the applicant
could be proceeded against for the
value of the trees, if he has been
actually put into possession. It
may also be noted that the rules
framed under sec 26 of the
Forest Act relate to lands at the
disposal of Government, and land
assigned on patta will cease to
be such land under the defini-
-tion of ~~the Act~~ as given
in sec. 2 of the Forest Act.

23(2) is at variance with
the last sentence of rule 5 of the
Forest Rules (which says that
the value of the trees must be paid
before the applicant is put
into possession - the expression
"assignment" is equivalent to "patta"
and the value of the trees must be paid before the
assignment is made. I think the Board's view is incorrect.

...the value of the trees must be paid before the applicant is put in possession, and it is not clear how the Board makes out that under this rule the applicant could be proceeded against for the value of the trees, if he has been actually put into possession. It may also be noted that the rules framed under sec 26 of the Forest Act relate to lands at the disposal of Government, and land assigned on patta will cease to be such land under the definition of the Act as given in sec. 2 of the Forest Act.

But whether the Board's
view is correct or not, there ap-
-pears to be no objection to
para 23(2).

(9) Rule 5 of the rules under
sec. 26 of the Forest Act, (ag-
-reeing in this respect with
paras 4+8 of S.O. No. 5) con-
-templates two kinds of assign-
-ments of lands on which trees
stand:

(1) assignment after recovery
of the value of the trees.

(B) Assignment on the condition that the pattadar may enjoy the usufruct of the trees but should not fell them.

It is thought that the latter mode of assignment may be usefully embodied in the proposed S.O. no 30..

(10) The Board proposes (para 14 of its Progs) to cut out such standing orders or portions thereof as have been embodied in the new S.O. no 30. But it is matter for consideration whether it would not be desirable to retain some of them.

For example: S.O. no 13 may it is thought, be retained owing to the importance of its provisions. It does not appear to be much of an objection that the same provision is entered in more than one place. What is desirable is that under each main head all provisions relating thereto should be found.

If this view is approved, S.O. no 13 may be retained as also (paras 6, 7 + 13 of S.O. no 5).

The Board also proposes to retain the provisions of S.O. no 13 which are not embodied in the new S.O. no 30. It is thought that it would be desirable to retain these provisions also.

The point is unimportant - It is of course, an advantage to keep the Vol. within reasonable dimensions -

It is thought that it would be desirable to retain these provisions also.

(The Board proposes to omit the whole of para 13, but it has not explained why the second sentence of that para should not be retained)

S.O. no 16 may be dealt with as proposed by the Board. (The Board proposes to omit paras 3, 4, 6 + 7 and to insert a new para 3 referring to S.O. no 30 also to how unauthorized occupation is to be dealt with.)

(11) The Board proposes to amend the heading of S.O. no 32 by adding the words

"Other than on darkbest"

The main difference between the two Standing Orders nos 30 + 32 is that the former relates to grant of lands subject to payment of Annual Assessment while the latter relates to freehold assignments (vide para 9 of the S.O. no 32). This difference is not clearly brought out by the headings proposed by the Board which are -

"Grant of lands for cultivation" (S.O. no 30)

10
Disposal of unassessed
waste lands otherwise than
on darkhast" (S.O. no 32).

Grant of lands under
S.O. no 32 may also be for
cultivation, and the term
'darkhast' ~~does not necessarily~~
~~mean that the application is~~
~~for lands~~ is not inapplicable
to applications made under
this S.O.

It has been suggested
above (11) ~~supra~~ that the
heading of S.O. no 30 may be
worded

"Grant of lands for occu-
pation on payment of assess-
ment".

The heading of S.O. no 32
may be worded as follows -

"Grant of unassessed
waste lands as free-holds".
(12) (Vide para 2 of the B.P.
in Cas 533). - The Board has
asked the Collector of South Cana-
ra to report in what respects
the General rules require modi-
fication to suit the conditions
of this district.

It

Ask. to Sales not 'grants'
otherwise the heading suggested
is incorrect. J.H.
7/4/90

11
Not much is yet
done.

h/h
3/4.

1
Seen W
2 May

79
It is submitted that
the Collectors of Chingleput and
Tanjore may also be called upon
to submit similar reports - vide
notes with G.O. of 8.3.87 no.
1492.

R.V.L.
29/3.

I was a member of the Board
when the Prop. C. 533 issued.

h/h
3/4.

C nos 533 & 1686 of 93

C nos 533 & 1686 of 93

Revision of darkhast n

I have the pleasure of acknowledging the receipt of the G.O. letter of the 13/5/93.

My dear Sir,

I have the pleasure of acknowledging the receipt of the papers relating to the revision of the S.O. about the 13/5/93. The 13/5/93 is a note at the foot of the draft of the proposed or a heading. Further relating to the point of land or subject to the payment of assessment. The 13/5/93 is a heading which the suggested & the letter had agreed to. which was I

at the

G.O. of 12 May 1893, no. 406.

The revised S.O. on 'Darkhasts' submitted by the Board with its Proposed above is approved subject to the following amendments:

(1) The heading of the S.O. should be worded

"Grant of assessed land for occupation".

(2) In para 1, for the word "Pattas for" the words "sanction to take possession of" should be substituted as Tahsildars do not grant pattas.

(3) In para 4 line 4 the words "their undivided relations" should be changed into "members of their families".

(4) In para 11 line 6 the word "drainage" should be inserted before the word "channel".

(5) In para 14 line 7 the word "aforesaid" should be altered

Please see note (a) below.

Subject to payment of assessment.

12/5/93

13/5/93

J.H.F.

11/5/93

think - Rules relating to the grant of assessed land.

On second thought I am not inclined to adopt the heading suggested by the T. but which you, I think, approved - so far as my interest that heading in the G.O. of 12 May 1893.

J.H.F.

altered into 'hereunder

(6) In para 15 the following substitutions should be made

(a) in line 9, for 'issue of patta' the words 'registry of the land'

(b) in line 10, for the word 'patta' the word 'registry'

(c) in line 15, for 'issue of patta' the words 'order registering in the name of'

(d) in line 22 for 'a patta granted' the words 'the registry ordered'

7) In para 23(1) line 4 the word 'Tahsildar' should be altered into 'collector'.

8) Para 23(2): This para should agree with paras 4 and 8 of S.O. No 5: it should accordingly be amended as follows:-

Where there are trees standing on dark forest land, their value as settled by the district forest officer or under the orders of the collector

S.O. Act 1 of 1882.

Collector should be recovered from the successful applicant before he is put in possession of the land unless the Collector thinks fit as a special case to give a patta for the land with the usufruct of the trees standing thereon.

The Govt. does not agree in the Board's view that the value of the trees would be recoverable under the Forest Act when the successful applicant has been put in possession of the land. The Board will observe that Rule 5 of the rules framed under Section 26 of the Forest Act agrees with para 4 of S.O. No. 5 in directing that the value of the trees should be recovered before the applicant is put in possession. The amendments proposed in para 14 of the B.P. are also approved subject to the following remarks:

(1) That paras 6, 7 & 13 of S.O. No 5 should be retained.

and (2) that the heading of S.O. No 32 should be worded as follows:

"Sales of unassessed waste land as freeholds"

Ch
Gheng.

To
The Board of Rev. (Land Rev.)
Dec. 7-6
note (a).

A possible objection to the wording adopted for the heading is that the S.O. contemplates grant of unassessed lands also; but it may be replied that ^{before} such lands are assigned they will be transferred to the head assessed. If the heading should be free from this objection also it may be considered whether it would be an improvement to word it as follows:

"Grant of lands for occupation subject to payment of assessment"

The Hon. Member has
been in attendance
since 10.45 AM in the
Hall the 11th Dec 1900
to the Secy of Rs. 54.3
R. R. L.

I prefer the heading of the
S.O. as it is more
clear and concise
11/12/00

I hope this wording may
be adopted?
Ch
Gheng.

B.O. 844-1 89.1090
54 21-190

nos 533 & 1686795.

Revision of darkest
rules

Draft 4.0.

C. Co. 12 May 1893, no. 406

The Hon. Mr. C. Co.

Print
12/5

11-7-13

26-5-15

11-X-15

18-12-15

10-4-15

28-8-18

1-6-15

5/5/2

3-6-26 II

1-2-24 II

28/11/31 II

14-1-33 II

22-6-34 II

19/8/37 II

9-12-37 II

MADRAS RECORD OFFICE.
Government Records.

Revenue Department.

G. O. (Printed).

Dated 12-5-1893.

No. 405.