Revenue (1896) Department.

1

PRESS SERIES.

G.O., No. 514.

DATED 8th October.

[Despatch Abstract.]

Passing order on B.C. Fire Insurance with remarks & memo of the discussions had at Sir E. Buck in certain subjects after for the Continuation of the Conference held in December 1895.

BA

No.	Department.	

FURTH

G.O.	No.	Department.

Revenue (1896) Department.

CURRENT No.

SCOTTISH OFFICE
19 SEP 96
REV. DEPT.

From The Board of Rev: L. R.

Order

No. 329

Dated 28—8—96

Received 9.9.96

Registered 9.9.96

Enclosures

Spare copies

SUBJECT.

Sub S. a report on the Conference held with Sir E. Buck on certain subjects referred for the consideration of the Irish Board & regretting the delay in the prosecution of the same.

BACK PAPERS.

G.O.	No.	Department.	Date.

Revenue (189) Department.

Copy of

CURRENT No. 6488

From the Board of Ed

Order

61

No. 327

Dated 28-8-96

Received 9-9-96

Registered 9-9-96

Enclosures

Spare copies

SUBJECT.

Subg: a report on the conference held with Sir E.C. Buck on the subject of delegation of collecting land tax to Municipalities and Local Bodies

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Note A by Sir E. Buck on Registration and Land Records.

Read before the full Board of Revenue, Madras, at the conference of 14th December 1895.

In considering the Resolution of the Government of India (No. 20—353-1, dated 2nd October 1895) on establishing a connection between Land Records and Registration, it may be borne in mind that the Resolution is addressed to all Provinces of India, and that in the majority of those Provinces the Revenue Departments maintain, or more precisely, do their best to maintain, a complete record-of-rights. The recording machinery is being yearly improved and more closely inspected by supervising establishments of increasing competence. The record-of-rights is therefore becoming more and more trustworthy. As stated in the Resolution the confidence of the people in it increases accordingly; and as their confidence in it increases, they are more careful themselves to see that their rights and interests are accurately recorded in it. This is especially the case in the Punjab, where both karnams and revenue inspectors are better educated than in other Provinces of Northern India.

Now where so advanced a stage as this has been reached it is clear that there is nothing premature in considering whether the Revenue and Registration offices should not at once be brought into closer connection with the view of working gradually towards the end put forward by Sir Henry Maine of making the greatest possible use of the record-of-rights as a register for public entry of title.

But the case is different in Madras, and in that Province the step indicated by the Government of India may well be considered to be premature. The record-of-rights has apparently not yet been brought under any system which would ensure its being anything like a complete representation of existing ownership in land. If this be so, the possibility of utilizing it as a public register in which land-owners, either the possessors of rights and interests, or the Civil and Revenue Courts, could have any real confidence, is one which can hardly be contemplated for many years. The question put forward by the Government of India seems, therefore, to possess very subordinate importance at the present moment.

The questions which do appear to be of immediate importance are, whether, and to what extent, and how the existing record of persons responsible under the revenue law for the payment of revenue can be gradually improved into something like a real record-of-rights, *i.e.*, into a record of the persons who own rights and interests in the land on which the revenue is paid. It is a process which if set in motion must be slow and worked out with caution and proper restrictions, otherwise the revenue establishments would be embarrassed and the people themselves disturbed. In other words, though it cannot be deemed an impossible, it will be a difficult, task. The first step has already been taken in the more efficient organization of the land-record establishments, and in some districts, perhaps, an attempt might at once be made to bring the the record-of-right of selected villages and circles into something like order. This is a question of executive administration on which I cannot venture to advise, and I only bring forward the suggestion in order to explain (1) that perfection is not an immediate necessity, and that all that is wanted now is progress towards perfection; (2) that so far as the excellent work being done in

wet remis-

the Registration Department can be utilized, it should be made use of in the construction of the record. The position seems to be this: until a record-of-rights has been framed or constructed no issue can be raised which would involve any modification of the present system of registration. If it be decided to establish a record-of-rights it will take many years to construct it. During those years the results of the registration system should be utilized in constructing it: when the record-of-rights has been *constructed*, the question will then come under consideration how it can best be *maintained* with the co-operating aid of both Revenue and Registration Departments.

It may interest the Madras Government to know that the object held in view, that of maintaining the record-of-rights as a register for public entry of title, was first suggested to the Revenue Department of the Government of India by Sir Charles Turner when Chief Justice of Madras. His suggestion having been made known to Mr. (now Sir C.) Ilbert, the latter produced the appended note by Sir H. S. Maine, in which the system is said to be adopted in the whole civilized world, except England, and to be the greatest legal discovery of the age.

A further question, admitted to be of importance in Madras, is the possibility of extending a survey to the permanently-settled tracts. It may perhaps be suggested that one of the strongest arguments in favour of a survey would be the gradual establishment of a proper record-of-rights. This at any rate was the main object put forward 20 years ago in taking up the survey of the five permanently-settled districts of the North-Western Provinces and thereafter of Northern Bengal. In the North-Western Provinces, where the work has been completed, the results have been satisfactory, and the maintenance of a proper record-of-rights has effectively simplified the work of the Revenue and Civil Courts. In Bombay, where the question has been incidentally discussed, the proposition took the form of conferring absolute validity on the entry in the record-of-rights. It was rejected, and in this form rightly enough. No one could venture to place so much power as this proposal would involve in the hands of the subordinate officials. All that is done in other Provinces is to make the entry presumptive evidence of title, throwing the *onus* of proof to the contrary on those whose names are not entered.

Even if after many years the time should arrive that the public could place such confidence in the revenue record as to justify registration in any other record being made optional instead of compulsory, there would still remain work of considerable importance for a Registration Department to do. But may it not be left to the authorities of the time to decide how far and how the establishments should be then worked or interwoven? These are questions of detailed executive administration which, so far as they affect the Registration Department, cannot arise for some years. The most important issue which seems to call for decision now is one of principle, *viz.*, that of keeping in view, as an ultimate aim, the gradual perfection of the record-of-rights. So far as questions of executive administration arise, they seem to be for the present confined to the revenue side and to lie outside the Registration Department.

E. C. BUCK.

The 12th December 1895.

G. I. C. P. O.—No. 861 R. & A.—100.—1-1-96.—N. C. D.

NOTES OF CONFERENCE HELD WITH SIR E. C. BUCK,

14TH DECEMBER 1895.

PRESENT:

Sir E. C. BUCK, *Kt.*, C.S.I.

The Hon'ble Mr. C. S. CROLE, Acting First Member, Board of Revenue.

" " A. T. ARUNDEL, Acting Second Member, Board of Revenue.

" " J. STURROCK, Acting Third Member, Board of Revenue.

H. M. WINTERBOTHAM, Esq., Fourth Member, Board of Revenue.

L. M. WYNCH, Esq., Secretary to the Board of Revenue (Land Revenue).

Dewan Bahadur SRINIVASA RAGHAVAIYENGAR.

Read Government Order, No. 780, dated 29th November 1895, communicating letter from Sir E. C. Buck, *Kt.*, C.S.I., Secretary to Government of India, Revenue and Agricultural Department, on special duty, dated 20th November 1895, No. 12.

The first subject discussed was the question of elasticity in collecting land revenue. Sir E. C. Buck cited Government of India Resolution No. 15, dated 7th September 1895 (in Board's Proceedings, No. 5021, dated 7th October 1895) in explanation of the question at issue.

It was pointed out that the Board had no reason to believe that the system of collection in Madras was unduly rigid—or that land was passing to any great extent from the hands of agriculturists into those of non-agriculturists.

It was also pointed out that a deduction for vicissitudes of seasons of from 15 to 20 per cent. was made from the gross profits before the determination of the Government assessment.

The standing orders regulating the grant of remissions were then discussed.

Sir E. C. Buck observed that paragraph 4 of Standing Order, No. 33, seemed to be worded so as to deter Collectors from recommending remissions on dry lands, and that as the rules were all that the Government of India had before them it would be as well to explain that in practice such remissions are recommended and granted in exceptional circumstances, *e.g.*, in 1891 and 1892 in about six districts.

The rules laid down in the Famine Code sufficiently provide for the circumstances of a large tract affected by bad season being fully reported upon to the Board and Government. The questions to be considered in the Resolution seemed to be—

(1) Whether the rules provide that adequate consideration would be paid by District officers to claims for remission on dry lands extending over tracts not sufficiently large to come under the purview of the Famine Code.

(2) Whether they did not leave too much to the discretion of the Collector.

(3) Whether greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial loss.

II.

The next point discussed was the training of junior civilians in the field.

The existing rules (appended) were thought to be sufficient. It was however suggested that junior civilians might with advantage receive training in the Executive Engineer's office in estimating and plan drawing, in respect of elementary work, such as earth-work (for tanks) and simple masonry works, *e.g.*, sluices and culverts.

III.

Read Government Order, No. 5012, dated 12th December 1895, communicating copy of Government Order, Mis. No. 4345, dated 1st November 1895, communicating Circular from the Government of India, Department of Revenue and Agriculture, No. 20—353–1, dated 2nd October 1895, as to the question of bringing the departments of Land Records and Registration into closer correspondence with each other.

Sir E. C. Buck opened the discussion by reading a note which he had written.

As to what is meant precisely by a record of right, Sir E. C. Buck referred the Board to the Acts of the North-west Provinces and the Punjab, especially the latter.

The Madras record is maintained under Regulation XXVI of 1802.

It was admitted that the Courts attached little or no weight to the entries therein and in consequence the village records have tended to become a mere record of the persons responsible for the payment of the Government revenue.

Allowing that no record of right (as understood in Northern India) is at present maintained in this Presidency, there is not at present that duality of system which the Government of India desires to see reduced to smaller dimensions. And the question of the further amalgamation of the department of Land Records and Registration is not one that requires immediate discussion.

The first question to be considered is—

How far is the record now maintained a record of ownership?

Sir E. C. Buck remarked that if there was any doubt about this it would seem desirable to institute some system of examination by which it could be ascertained whether the record was in accord with the facts or not.

2. If not, how best could a record of right be constructed and maintained from the existing records making the fullest use of the registration offices?

The following measures would if a record of rights were constructed and maintained seem to be necessary:—

(*a*) To make a judicial enquiry into the correctness of each entry as it now stands.

(*b*) To make it compulsory to describe lands in documents by their survey numbers.

(*c*) To maintain a record for every survey field in serial order.

N.B.—Whether this should be maintained in the Registration offices or by the karnams is a question for decision.

(*d*) To make it obligatory under penalty upon proprietors (1) either to report to the Revenue office transactions affecting land of less value than Rs. 100 or (2) to have them registered in the Registration office.

(*e*) That a judicial enquiry should be held upon such reports.

It was objected that a very large amount of extra work would be thrown on the Revenue Department (1) in the construction of the initial record; (2) in the maintenance of it. Also that the record would be of little use if encumbrances were not to be brought upon it.

L. M. WYNCH,
Secretary.

Extracts from the Indian Civil Service Manual.

Paragraph 12—*Assistants to be placed in entire charge of one or more villages.*—One or more villages near the chief town shall be placed under their charge, and they will be required to undertake their entire management and to keep the accounts of the same; their orders, until they pass by the lower standard, being subject to the Collector's confirmation. After a time the condition of these villages, their tenures, statistics, &c., shall be fully reported upon to the Collector.

Paragraph 40.—(1) Independently of the examination in survey which is prescribed for the higher standard in rule 22 *supra*, junior civilians must undergo a month's practical training in surveying, and no officer will be entitled to receive the increased allowance of a "passed assistant" until he has completed this practical course and received the required certificate.

(2) Survey schools, each lasting one month, are held at convenient centres during the months of May and June. The dates of opening and closing the schools and the places at which they are to be held are fixed by the Board of Revenue and notified for the information of Collectors early in April.

(3) The most suitable time for practical training in survey work will ordinarily be when an assistant has attained six months' standing. Before an assistant has reached that period of his service, he should submit a request to be attached to a survey party. The Collector will forward the application through the Superintendent, Revenue Survey, for the sanction of the Board of Revenue. The Superintendent of Survey in forwarding it will state to which school the assistant may, in his opinion, be most conveniently attached.

(4) On sanction being given for an assistant to join a survey party, his Collector will make arrangements to relieve him of his ordinary duties during the period of training.

(5) Assistants shall, on joining a survey party, report themselves to the Collector of the district where the party is working.

(6) Each survey school is superintended by the Survey officer in charge of the division in which the school is held.

(7) The course of instruction is as follows:—

(i) That prescribed for karnams which lasts about one week and comprises the use of the following instruments: chain, cross-staff, offset pole, plotting and offset scales, area square.

(ii) The additional course usually undergone by Revenue Inspectors comprising the use of the following instruments: prismatic compass, protractor, plane table, computing scale.

This course also lasts for about one week.

(iii) The use of the theodolite, vernier scale, diagonal scale.

While learning the use of the instruments mentioned above, the method of preparation and practical use of the following survey records and the means of testing their accuracy have to be thoroughly acquired:—

(1) Village maps, (2) field measurement book, (3) field register and (4) area list.

The Survey officer will take the class of junior civilians with him to one or more villages and examine the survey records on the ground on at least 15 days during the course of instruction.

(8) After an Assistant Collector has satisfactorily completed his prescribed course, a certificate in the Form A appended shall be prepared by the officer in charge of the party and forwarded for countersignature to the Superintendent of Revenue Survey whose duty it will be to satisfy himself, as far as possible, that the certificate is correct and that the time passed with the party has been profitably employed.

FORM A.

Certificate.

I, A. B., Deputy Superintendent of Revenue Survey, do hereby certify that Mr. C. D. of the Indian Civil Service has been attached to ——— Party for a period of ——— from ——— to ———, during which time he has accompanied me on ——— occasions when engaged on field work survey and that he has acquired a fair knowledge of the operations of survey and of the orders relating thereto.

(Countersigned) X. Y., Supdt. of Rev. Survey. (Signed) A. B., Dy. Supdt. of Rev. Survey.

(9) The Superintendent of Revenue Survey will forward to the Board of Revenue, for submission to Government, an annual return of all certificates granted to Assistant Collectors during the previous official year. The return will be in the Form B appended and should reach the Board not later than the 1st of June of the year following that to which it relates.

FORM B.

STATEMENT of certificates granted by Superintendent of Revenue Survey to junior civilians who have been attached to his department during the year ending 31st March 189 .

Number.	Name of junior civilian.	Appointment held by junior civilian.	To what party attached.	Name of Deputy Superintendent.	Date of issue of certificate.	Remarks.
1	2	3	4	5	6	7

(Signed)

Superintendent of Rev. Survey.

Note B *by Sir E. Buck on Registration and Land Records.*

1. Note A was written before the discussion on the subject was held on the 14th December and was read before the full Board of Revenue on that date. The present remarks are offered with the view of assisting to clear some of the issues raised during the discussion of the 14th December.

2. My own position is this:—Although I have advocated the maintenance of a record-of-rights elsewhere I do not pretend to be able to advise the Madras Government that a complete record-of-rights should be maintained in the Presidency; I only desire to show that the question put forward by the Government of India in the Resolution No. $\frac{20}{353\text{-}I}$, dated 2nd October 1895, of bringing the Registration and Land Record (Revenue) Departments into closer connection cannot be logically taken up unless it is decided that the Revenue Department is to maintain a record-of-rights.

3. The *maintenance* of a record-of-rights must be preceded by the *construction* of a record-of-rights. In the Northern Provinces the construction of the record was, until recent years, usually effected at the time of revision of settlement and maintained thereafter by the land record establishments (karnams and revenue inspectors, etc.,) acting under orders of Judicial Courts. But recently the initial record has been constructed by the Land Record Departments in anticipation of the arrival of the Settlement Officer.

4. In the Punjab Revenue Law which was framed by a strong Committee of land-revenue experts, some trouble was taken to make clear the relation between the record-of-rights made at settlement and those maintained by revenue officials before and after settlement. This was necessary because hitherto undue reliance had been, in the Civil and Revenue Courts, placed on the particular record drawn up at the time of settlement. At one period, no doubt, it was the only record-of-rights to the construction of which particular attention had been paid, and therefore deserved special confidence. But as time went on, the entries annually made one by one in the record, after deliberate enquiry under the judicial decision of the Revenue Courts, began to assume a stronger position than the entries made simultaneously after a necessarily hurried investigation by the Settlement Officer. It was, therefore, declared in the law that the record-of-rights constructed by the Settlement Officer was only to be looked upon as one of the annual editions of the record-of-rights, and not as a separate charter of rights to which peculiar importance was to be attached. What was wanted was a record continuously maintained of concurrent rights. Not a record of past or obsolete rights.

It is probable that in Northern India the Settlement Officer will as time goes on have nothing to do with the record-of-rights. He will accept the edition of the record put into his hands by the Land Record Department when he enters the district.

5. It has been found in other Provinces that where for some time no stringent measures have been taken for bringing the record-of-rights into accordance with facts, the construction of a revised record is not a simple matter. Special establishments have to be provided, and the expenditure of much time and money is involved. I cannot venture to surmise what difficulties the operation, if undertaken in Madras, would entail. The proprietary rights in the North-Western Provinces, the Punjab, and the Central Provinces are possibly less complicated than in Madras. In the North-Western Provinces the majority of the ryots have no transferable rights; in the Punjab there are few ryots, and the rights and interests of the members of proprietory communities have always been to a material extent recorded. In the Central Provinces power to transfer rights and interests was accorded at a comparatively recent date. From what I have learned the task in Madras would not be a light one.

6. The difficulties entailed in the initial construction of the record are considerably enhanced, (1) if the rights and interests of every member of a Hindu family are recorded; (2) if every encumbrance, however trivial, is entered.

It may not be necessary, however, when the first draft is made, to attempt any complete statement under either (1) or (2). It would possibly be more convenient to begin with a record showing (1) heads of families and the simpler cases of sub-division; and (2) admitted encumbrances, including those contained in the Registration Office books. The record is not intended within any measurable period to confer absolute validity of title. It is only to convey a presumptive proof of the facts entered in it. The facts entered are, in the case of dispute, recorded after judicial enquiry, and therefore may be presumed to hold, as far as they go, a stronger position than facts alleged by parties applying to a Registration Office; and the circumstance that a certain number of facts are not recorded does not invalidate the presumptive accuracy of those that are recorded. Thus, if in the initial preparation of a record-of-rights A and B, the heads of two families are recorded as owners of equal shares in L, a given parcel of land, A's share being entered as mortgaged to C, the entry does not defeat either the right of any members of the families to share under A and B, respectively, or the right of a mortgagee D to claim entry of an encumbrance on B's share. When the maintenance of a record-of-rights has been undertaken the intention is to bring it, as time goes on, into full accordance with facts; but it is well understood that perfection can only be approached by gradual steps. The main object of the record is to simplify commercial transactions and to minimize legislation and that object is more fulfilled or less fulfilled as the record contains more or less judicially attested facts.

7. The question of the extent to which the record-of-rights should be made to record encumbrances is one which is coming up in other Provinces in which the record has been constructed and is being maintained. The results of the conferences on this question will, if wished, be communicated to the Madras Government. But, as explained in the preceding paragraph, it does not follow that because some encumbrances may be omitted the record is not of considerable use. Strong evidence on the utility of the record as constructed and maintained in the permanently-settled districts of the North-Western Provinces, where it does not pretend to embrace all encumbrances can, if desired, be submitted to the Madras Government. It was called for from Civil Judges and others when the question of making a record-of-rights in Bengal was under consideration.

8. Two suggestions were discussed at the meeting of the 14th December, one to bring the maintenance of the record under the Registrars, the other to commit it to the Karnams. Except in Bengal itself, where there are no Karnams, the latter course, as by far the most convenient, is the one adopted in the Provinces of Upper India. But in considering the issue it may be borne in mind that the value of the entry depends on a judicial order in all cases where the entry is challenged rather than upon the agent, whether Karnam or Registrar, who writes it down. As it is the Karnam's entries are checked by the inspection of Revenue inspectors, but in any case the original orders are kept at the Tahsil. The Karnam's book is the index. If the record is maintained by Karnams, then it is probably simpler to enforce by legislation entry of transfers of all values, *i. e.*, below as well as above ₹100 in the revenue record, rather than to expand the present registration law for the compulsory registration in a Registration Office of transfers affecting properties less than ₹100 in value.

9. The question was raised in the discussion of the 14th December whether Sir Henry Maine really contemplated that the revenue land record should be the register of rights and titles in land. It was suggested, I think, that the index of the Registration Office would more nearly comply with his intentions. The following quotation however from his note seems to indicate clearly that he had the village record in view as the public register to which he referred:—

"It is notorious, however, that in India the remnants of the primitive methods of public transfer survive in unusual abundance, and they are, in fact, the basis of our revenue system. Under such circumstances, I cannot but consider that it would be a retrograde step to give in India any further extension to the now purely English system of private transfer, or to establish it as the normal system of the country. I am at the same time aware that, owing to the decay of the village organisation in Lower Bengal, and to the peculiarities of the Revenue settlement, the above remarks are less true of that province than of other parts of the country, and I may observe that, when I originally suggested to the Indian Law Commissioners that the draft of a measure for the transfer of immoveable property should be prepared, I recommended that its operation should be confined to Lower Bengal."

It may be added that the entries in a Registration Index form a less valid and complete record than those in the revenue record-of-rights, because—

(1) in the former the correctness of alleged facts is not strengthened by the judicial enquiry which precedes the record of transfers in the latter;

(2) the facts relating to the ownership of land which has not been the subject of transfer do not come into the Registration Index at all.

10. Nothing suggested in this note indicates present interference with the functions of the Registration Department. The survey of rights and interests in land would be maintained up to date by the Revenue Department with the supplementary assistance of the Registration Department, just as the survey of fields and field areas is to be maintained to date with the supplementary assistance of survey officers. The question indeed was raised during discussion whether the utility of the Registration Department might not be at once enhanced by bringing under compulsory registration encumbrances of a certain class which did not involve transfer of possession, but this suggestion, if carried out would enhance and not diminish the functions of the Department.

11. I venture to suggest that before the questions dealt with in connection with Registration and land records are finally dealt with by the Madras Government, I should be permitted to send for information such facts and opinions as I may be able to collect in other Provinces as to the extent to which encumbrances and subordinate rights are or ought to be included in the record-of-rights.

E. C. BUCK,—16-12-95.

G. I. C. P. O.—No. 862 R. & A.—1-1-96—J. W. DeB.

1896
REVENUE Department
Collection No. 4
Number 4486

13

Note on amalgamation of Land Records and Registration Departments b... E. Buck, dated 11th February 1893, indicating results of discussions in Assam and Bengal.

1. The immediate object of the Government of India Resolution No. $\frac{20}{353-1}$, dated 2nd October 1895, is that an opening should be given to the Land Records Department to suggest any reforms which may from time to time appear desirable in the direction of utilizing the land records as far as it may be convenient or advisable to do so for purposes of registration of title.

2. Whether or not it may be convenient or advisable in any particular Province to make any change in the existing system or practice in connection with either the Land Records or Registration under Act III of 1877 is not for the Conferences to consider. So far as any examination of the present system may be, or has been made, it can only be made with the object of forming a general opinion as to the possible utility of carrying out the suggestion of the Government of India that, in order to give the opening indicated in the preceding last paragraph, the control of the Registration Department should be transferred to the Land Records Director.

3. The object in view would however seem to be sufficiently attained for present purposes if the Director be permitted to receive copies, annual or other, of important reports or proposals from the Registration Department with authority to submit thereon such suggestions and comments as may occur to him for the consideration of the Board of Revenue and of the Local Government in connection with the questions raised by the Government of India Resolution No. $\frac{20}{353-1}$, dated 2nd October 1895, *i.e.*, in the direction of making a fuller use of the land records in respect to registration of deeds or titles.

4. The proposal embodied in paragraph 3 has been adopted in Bengal and *mutatis mutandis* in Assam. It has the advantage of avoiding on the one hand any dislocation of existing arrangements, and on the other any material discussion of the existing systems of land records and registration.

E. C. BUCK.

G. I. C. P. O.—No. 1167 R. & A.—13-2-96.—50.—R. N. D.

Enclosures to D.O. from
Sir E. Buck 713-2-'96 No 37.

1996
REVENUE
Enclosure No. 6
6.8.96

14

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

H. S. THOMAS, ESQ., F.L.S., F.Z.S.
THE HON. W. S. WHITESIDE.

READ—the following letter from W. J. H. LE FANU, Esq., Acting Collector of North Arcot, to the Secretary to the Commissioners of Land Revenue, dated Wálajápet, 11th July 1888, No. 1921-Rev. Genl. :—

I have the honor to report that Mr. Brodie is the only unpassed Assistant posted to this district during the half-year ending 30th June 1888.

2. As to the progress made by him during the period, I submit, herewith, a copy of the report furnished to the Divisional Committee at Salem, with reference to section 31 of the Civil Service Manual. From this the Board will see that every opportunity is given him to make himself intimately acquainted with the various branches of revenue and magisterial work. Mr. Brodie also works zealously and with interest, and has, I believe, acquired a fair knowledge of village accounts, so very essential to him in his future career.

ENCLOSURE No. 1.

REPORT on Mr. Brodie's employment in North Arcot as required by section 31 of the Civil Service Manual.

As soon as Mr. Brodie joined the district early in March, he was attached to the Treasury and Account branch of my office, where he underwent training for a few days under the late Treasury Deputy Collector Mr. Marjoribanks. Afterwards he discharged the duties of the Treasury Deputy Collector for about a fortnight or so during the absence of Mr. Marjoribanks on tour of inspection of sub-treasuries. He then attended the Agricultural Exhibition at Salem. Towards the end of March he was placed in charge of the village of Kattamanchi in Chittoor taluk, of which village he has been preparing with his own hand, with the help of the curnam, all the accounts of the revised village manual for fasli 1297 (statements Nos. 1—23 and the permanent registers, A excepted), in order to submit them, for the check of the jamabandi officer. One or two special statements connected with the ayacut and inam quit-rent, which were prepared by him, have been examined by me and found to be correct.

He has also been occasionally entrusted with the preparation of abstracts of cases for orders; and he has done them very intelligently and in a business-like manner. There has been nothing wanting on my part to make him acquainted with the various branches of work in the Revenue Department nor has Mr. Brodie omitted to avail himself of the opportunity afforded him. He has studied the rules regarding the preservation and destruction of records, and has been frequently deputed to examine the work of sorting done in the English record-room. The reports received from him on the subject show that he has tried to understand the subject. He was also entrusted with the work of examining the security bonds executed by public servants and has reported satisfactorily on them. Mr. Brodie has also attended the examination by Mr. Brito, Assistant Inspector of Local Fund Accounts, of the Local Fund and Special Fund Accounts, as well as of the accounts of the Vellore Municipality. He worked zealously and learned a great deal. Again, in order that he may have an insight into the nature of the duties of tahsildars, he is required to look over and correct the rough drafts of reviews of tahsildar's work.

In May last he was invested with the powers of a magistrate of the 3rd class and is exercising jurisdiction over twenty-four villages adjoining Chittoor within a radius of 5 miles.

I should add that, while in charge of the village of Kattamanchi, Mr. Brodie has been required to write himself all the vernacular reports required to be sent to the tahsildar by the curnam.

RESOLUTION—dated 16th July 1888, No. 630.

Recorded.

2. The work given to Mr. Brodie by the Collector has been well selected.

3. The Board attach much importance to the training of young officers and their thanks are due to Mr. LeFanu for the attention which he has given to the subject.

(True Copies and Extract.)

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

(True Copy.)

(Signed) C. CLARK,
Registrar.

To the Collector of North Arcot.
Copy to all other Collectors.

Exd. J. Henricus.

1888.

Board of Revenue

(Land Revenue),

MADRAS.

SEC. GOVT. MADRAS
10 SEP 95
REV. DEPT.

Printed July 26th.

Proceedings, 16th July 1888, No. 630.

Recording report from the Collector of North Arcot on the progress made by Mr. Brodie during the half-year ending 30th June 1888, and stating that the Board attach much importance to the training of young officers.

1888
REVENUE BOARD
Enclosure No. 2
To Current Pro. dt. 26

16

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

H. S. THOMAS, ESQ., F.L.S., F.Z.S.
THE HON. W. S. WHITESIDE.

READ—the following letter from F. A. NICHOLSON, Esq., Acting Collector of Tinnevelly, to the Secretary to the Commissioners of Land Revenue, dated 30th August 1888, No. 528:—

In accordance with paragraph 5 of Standing Order No. 235, I have the honor to submit, in original, Assistant Collector Mr. Levy's report on the village of Kulavanikapuram placed in his revenue charge, together with my notes thereon, as also copies of my Proceedings of 25th May and 6th June last detailing the points to be reported on

2. The report is, I consider, creditable to Mr. Levy considering the short time that he has been in India, and the limited time he has had for making inquiries.

ENCLOSURE No. 1.—Report of Assistant Collector Mr. Levy.

ENCLOSURE No. 2.

PROCEEDINGS of the Collector of Tinnevelly, dated 25th May 1888, No. 1257.

Read—Collector's Proceedings, No. 1213, dated 22nd May 1888, placing two villages (Kulavanikapuram and Palamcottah) under the charge of the Assistant Collector, Mr. Levy.

Order—

The important points to which the Assistant Collector's attention should be directed are:—

(1) Economic condition of the villages including prosperity or otherwise (with causes); tenures including those of sub-tenants of Government and inam ryots; laborers; the state of agriculture, the use and treatment of manures and the manurial substances and implements, and the ideas of the ryots on the subject, together with any current proverbs guiding or embodying their practice in general; cattle and their condition with the method of stalling, treatment in disease, &c.; crops and their treatment and periods of cultivation with varieties according as they are wet, dry or garden (*i.e.*, irrigated from *wells only*); the division of lands together with the effect of custom on such partition; transactions in land, and burdens (mortgages, &c.) upon it; rentals in kind and in money, both in their relation to the crops, and as regards the areas on which rentals are payable relative to the area under cultivation, the price per acre of various classes of land; other industries, &c, &c.

(2) Nature of the soils.

(3) Assessments, both absolute assessments, and in their relation to produce and outturn; demand for 20 years, with the causes of increase or decrease both in total amount and in the incidence of assessment per acre of each class of soil.

(4) Collections.

(5) System of village accounts and of the processes issued for collection purposes.

(6) Irrigation works.

(7) Vital statistics.

(8) Vaccination.

(9) Sanitation.

(10) Education and other matters of administrative importance.

2. The Assistant Collector should freely move amongst the people and fully acquaint himself with their wants.

3. The report required of him by Board's Standing Order, No. 235 (5) should be submitted by the end of July 1888.

(Signed) F. A. NICHOLSON,
Acting Collector.

PROCEEDINGS of the Collector of Tinnevelly, dated 6th June 1888, No. 1395.

The Assistant Collector (Mr. Levy) is requested to add the subject of "demarcation and survey marks" to the list of subjects to be reported on at the end of July in regard to the villages of Palamcottah and Kulavanikapuram, and his attention is invited to the provisions of Acts XXVIII of 1860 and II of 1884 and to a circular order of the Collector of this date on the subject of the disappearance of boundary stones. His suggestions on the subject should be sent in with the report.

2. The orders given at the recent jamabandi on the above villages should be perused by him and their reasons, date and results ascertained.

(Signed) F. F. NICHOLSON,
Acting Collector.

RESOLUTION—dated 26th September 1888, No. 835.

Recorded.

2. The training given by the Collector is excellent; copies of the two Proceedings issued by him for the guidance of the Assistant Collector will be furnished to all Collectors.

3. Mr. Levy appears to be benefitting by the training.

(True Copies and Extract.)

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

(True Copy.)

(Signed) C. CLARK,
Registrar.

To the Collector of Tinnevelly,
with Mr. Levy's report returned.
Copy to all other Collectors.

Exd. W. J. Lewis.

1888.

Board of Revenue

(Land Revenue),

MADRAS.

Printed October 16th.

Proceedings, 26*th Sept.* 1888, *No.* 835.

Recording, with remarks, letter from Collector of Tinnevelly, submitting, in original, Assistant Collector Mr. Levy's report on Kulavanikapuram village, and furnishing Collectors with copies of the two proceedings issued by the Collector for the guidance of his Assistant Collector.

180
REVENUE
Enclosure No. 2
Separate

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—Government Order, Press No. 780, Revenue, dated 29th November 1895.

ABSTRACT.—Letter from the Government of India forwarding a memorandum summarizing the remaining questions to be considered in connection with the Agricultural Conference Proceedings of 1893, communicated to the Board of Revenue, with remarks.

READ—again Government Order, Mis. No. 5012, Revenue, dated 12th December 1895.

ABSTRACT.—Directing, in modification of Government Order, No. 4345, dated 1st November 1895, that the subject of bringing the Land Records and Registration Departments into closer correspondence with each other should be discussed with Sir Edward Buck by the Full Board and the Inspector-General of Registration.

RESOLUTION—No. 327, dated 28th August 1896.

The Board begs to submit herewith a memorandum of the discussion held with Sir Edward Buck on the marginally-noted subjects referred for the consideration of the Full Board in the Government Orders read above.

I.—Elasticity in collecting land revenue.
II.—Training of junior civilians in the field.
III.—The amalgamation of the Land Records and the Registration departments of Government.

2. *I.—Elasticity in collecting Land Revenue.*—It will be seen from the memorandum that the only points on which information is required to be furnished by the Board on this subject are the following:—

(i) Whether remissions on dry lands are recommended and granted in exceptional circumstances and whether the rules provide that adequate consideration should be paid by District officers to claims for remission on dry lands extending over tracts not sufficiently large to come under the purview of the Famine Code;

(ii) whether the rules do not leave too much to the discretion of the Collector; and

(iii) whether greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial loss.

3. On the first point, Standing Order No. 23 provides that no remissions of assessment on unirrigated lands will be granted unless in very exceptional years or under very exceptional circumstances and with the previous sanction of the Board. This rule is based mainly on the considerations that assessment on dry lands is on the average very low and that in calculating the settlement rates a deduction of from 15 to 25 per cent. has been made on account of vicissitudes of season and the inclusion of unprofitable areas in the holdings. In practice, dry remissions have been granted on waste and on withered crops and in cases of short produce even where the failure of crops was not such as to call for measures of famine relief. This will be borne out by the marginal statement which exhibits the amount of dry remissions granted during the last 15 years in famine and non-famine tracts.

Faslis.	Amount of remission granted		
	in famine tracts.	in non-famine tracts.	Total.
	Rs.	Rs.	Rs.
1291	..	2,07,588	2,07,588
1292	..	17,961	17,961
1293	..	..	..
1294	8,55,781	49,878	9,05,659
1295	..	1,059	1,059
1296	..	36,288	36,288
1297	..	..	..
1298	3,211	76,034	79,245
1299	..	..	..
1300	65,795	17,450	83,245
1301	10,34,033	..	10,34,033
1302	..	58,698	58,698
1303	..	..	..
1304	..	..	..

4. The principles by which the Board is guided in the grant of such remissions are explained in the Board's Proceedings recorded in Government Orders, No. 780, dated 2nd April 1879, No. 262, dated 6th March 1882, No. 393, dated 17th April 1882, No. 1302, dated 22nd November 1882, and No. 305, dated 19th March 1887, and are briefly stated below :—

No remission is granted in tracts or villages in which the average crop is 6 annas or more, a normal crop being taken at 12 annas or three-fourths of the highest standard. When the crop is less than 6 annas remissions are granted at varying rates at the discretion of the Board :—

(*a*) When the crop is between 6 and 4 annas, at 25 or 50 per cent. according to the degree of distress prevailing in the affected tracts ;

(*b*) when the crop is between 4 and 2 annas, at 50 or 75 per cent. ; and

(*c*) when it is less than 2 annas, 85 per cent. or full remission. Full remission is also granted on *waste* where the cultivated lands of individual ryots have yielded less than a 6-anna crop, but if they have yielded more, the assessment of only such waste as is not usually left fallow or reserved for pasture is remitted.

5. The figures given in paragraph 3 show that remissions are granted on dry lands in exceptional cases, but the wording of Standing Order No. 23 precludes Collectors from asking for the Board's sanction to such remissions unless the circumstances are very peculiar. It is generally supposed by District officers that distress deepening into famine will alone justify an application for dry remission, and it is to be feared that a too strict interpretation of the rules may cause a good deal of hardship. But the Board considers that the principles enunciated in the papers quoted in the last paragraph are sound and would more especially invite attention to the full explanation of the Madras system given in the Board's Proceedings, under Government Order, No. 780, dated 2nd April 1879. It was then said :—

"On dry lands individual remissions are not given. The State does not step in to prevent a man from passing from the condition of a petty proprietor (or occupier) on his own account to that of a laborer. If accident, such as loss of cattle, impecuniosity, &c., prevents an individual in an ordinary year from cultivating, his case must take its course. But if there is so general a failure of rain, so great a blight, or other natural visitation over a tract as to render it desirable from public rather than individual considerations that the revenue demand should not be pressed in full, or should be remitted altogether, the partial or entire remission deemed necessary is given over the distressed tract, and the advantages are shared rateably by all alike. It is considered better for the general interests of the people and Government that, if the outturn over a tract is quite insufficient to meet the demands of a year, small accumulations of capital, if such exist, should not be sought out and absorbed to meet the deficiency. Absence of capital has probably been amongst the causes that have led to the distress, or at any rate weakened the people's power of resistance. To hold what little capital may be accumulating liable for the year's demand in a season of scarcity is at once to intensify the distress and render its recurrence and ultimate loss of revenue in consequence more probable and more serious ; and so remission is allowed not to keep a pauper ryot from throwing up any field or fields that ordinarily he cannot make profitable and meet the revenue demand upon, but because, 1stly, it is considered that the general failure of the particular season over the particular tract entitles each of the ryots therein, whether he be poor or whether he be rich, in his position as a Government tenant to consideration at the hands of Government as his landlord ; and, 2ndly, it is thought better to relax the demands in an exceptionally hard time, so that the resources of the tract may not be unduly crippled or capital unduly trenched on."

6. The Board is however prepared to amplify Standing Order No. 23 so as to make it clear that dry remissions may be recommended even in years when no wide-spread distress is anticipated. There appears to be no reason for advocating a departure from the principle that individual losses should not be estimated. The case of dry lands differs from that of wet areas, in which the State is responsible for the supply of the necessary water. The failure of crops on dry lands is either due to seasonal causes or to the ryot's neglect. The latter cause does not entitle him to any consideration at the hands of Government, and the former must, as a rule, have affected his neighbours in the same measure as himself. It is therefore reasonable that concessions should be calculated for a tract and not for individual fields. But the Board believes that the stereotyped deduction made in the settlement calculations for vicissitudes of season does not always afford the necessary relief. It acts as a *bonus*

on fertile lands and helps but little the ryot who owns the poorer soil. This remark applies with equal force to wet lands.

7. On the second point the Board begs to state that as the affected parts are, as a general rule, promptly inspected by the Commissioner of Revenue Settlement and Agriculture, the question of the grant of dry remissions is not wholly left to the discretion of the Collector.

8. On the third point the Board observes that in seasons of short water-supply or insufficient rainfall ryots are encouraged to sow dry crops on their wet lands and are granted a remission of the difference * between the dry and wet assessments, and that in cases where the ryots sow wet crops and reap not more than a 2-anna crop full remissions are granted. Under recent orders of the Board both classes of remissions are also granted on portions of survey fields.† Having regard to the above facts and to the allowance of from 15 to 25 per cent. made on account of vicissitudes of season and unprofitable areas in determining the settlement rates of assessment, the Board has not hitherto considered that any further concessions are called for. The question of remissions is dealt with by the Settlement Commissioner.

	Rs.		Rs.
* Fasli 1290 ..	1,02,610	Fasli 1298 ..	99,279
,, 1291 ..	1,20,076	,, 1299 ..	57,744
,, 1292 ..	1,04,943	,, 1300 ..	8,24,987
,, 1293 ..	90,195	,, 1301 ..	4,66,978
,, 1294 ..	1,82,156	,, 1302 ..	2,27,666
,, 1295 ..	1,13,749	,, 1303 ..	64,738
,, 1296 ..	78,471	,, 1304 ..	1,64,122
,, 1297 ..	67,749		

† Board's Proceedings, No. 161, R. S., dated 8th July 1896.

9. *II.—Training of Junior Civilians in the field.*—Next, as regards the training of junior civilians, it will be seen that the rules on the subject are appended to the memorandum of the notes of conference. The Board would also invite attention to Board's Proceedings, Nos. 630 and 835, dated 16th July and 26th September 1888, respectively, and to Mr. Nicholson's note printed at pages 67 and 68 of the Proceedings of the Agricultural Conference held at Simla in 1893. The Board sees no objection to the adoption of the suggestion that junior civilians should receive training in the Executive Engineer's office in estimating and plan-drawing and in respect of elementary work, such as earthwork (for tanks) and simple masonry works, *e.g.*, sluices and culverts.

10. *II—The amalgamation of the Land Records and the Registration Department of Government.*—The Government of India enquires whether the Registration and Land Records establishments may not be placed under the same responsible head with a two-fold object, viz.—

(1) in order that the Registration Department which registers assurances or evidence of titles and the Land Record department which registers titles to revenue-paying lands may be brought into closer correspondence with each other, so that by perfecting the registration of rights in the Land Records he may make it possible to contract the limits within which the registration of assurances is compulsory ; and

(2) that parties may be relieved, as far as possible, from the trouble and expense of appearing before two distinct departments in respect of one and the same transaction.

11. The above proposal involves the consideration of the several questions specified in the memorandum of the notes of the conference, but from the subsequent correspondence with Sir Edward Buck the Board understands that the original intention has since been modified and that it is not the desire of the Government of India that any change in the existing system should be considered. In a note written on the 13th February 1896 Sir Edward Buck says :—

"The object in view, . . . would seem to be sufficiently attained for present purposes if the Director be permitted to receive copies, annual or other, of important reports or proposals from the Registration Department with authority to submit thereon such suggestions and comments as may occur to him for the consideration of the Board of Revenue and of the Local Government."

To this suggestion the Board believes that no objection can be raised. Sir Edward Buck adds that it is intended to avoid "on the one hand any dislocation of existing arrangements, and on the other any material discussion of the existing systems of Land Records and Registration."

12. The Board is therefore precluded from discussing the proposals and would merely invite attention to the action taken in 1885 with a view to bring the Land Records and the Registration departments into closer correspondence with each other. In the order read in Board's Proceedings, No. 844, dated 13th March 1885, the Government directed that whenever an instrument involving transfer of possession of lands was presented to a Sub-Registrar he should ask the parties whether they desired to have transfer of revenue registry effected at the same time, and, if they consented, he was directed to allow them to execute before him, on printed forms supplied for the purpose, the necessary application to the revenue authorities and afterwards transmit it to the Tahsildar concerned. This order has been in force since 1885-86 with this modification, viz., that even when one of the parties — say, the transferer—subsequently recedes, the application should be disposed of under paragraph 3 (*a*) of Standing Order No. 20 as if it were made only by the transferee—*vide* paragraph 7 of Board's Proceedings, No. 314 of 24th July 1894. It will be seen from the marginally-noted figures comparing the total number of applications dealt with by the Revenue officers with the portion thereof presented through the Registration Department, that the above system has been finding favour with the people.

Fasli.	Total number of applications.	Number presented through Registration officers.	Percentage of column 3 to column 2.
1297	125,966	40,456	32·1
1298	130,312	42,340	32·5
1299	131,998	46,676	35·4
1300	132,701	50,254	37·9
1301	117,817	48,018	40·8
1302	127,653	56,654	44·4
1303	114,563	52,637	45·9
1304	110,037	50,886	46·2

13. Of the three classes of transfers dealt with in the rules for the transfer of registry of holdings embodied in Standing Order No. 20, it is only in cases of transfers by succession that Revenue officers are expected to take action on their own initiative immediately after the occasion for the transfer arises. In the other two classes of cases, transfer of registry is made only on the application of one or both of the parties; and where no such application is presented action is taken by the Revenue officers only after the alienee has been in possession of the property for twelve years from the date of the alienation or court sale. The extent to which action has been taken in this direction is indicated in the appended statement; the considerable variations between the number disposed of in the several districts have been ascertained to be due to the varying efforts made by Revenue officers of their own accord to secure agreement between ownership and revenue registry. Instructions will be separately issued on this subject and on the cognate question whether even in cases where the alienees, *e.g.*, by court sales, have been in possession for a smaller period than twelve years, Revenue officers may not take action of their own initiative in view to the transfer being registered, if it is found on enquiry that neither of the parties objects thereto. The facts mentioned above and in the preceding paragraph will show that attempts are being made to secure agreement between ownership and revenue registry so far as is possible without leading ignorant villagers to suppose that a new departure has been taken in the matter of registering titles.

14. On the suggestion referred to in paragraph 11 above, the Board begs to state that it is already consulted by Government whenever any proposals are made by the Inspector-General of Registration which have any reference to Land Records; and it welcomes the proposal that the Inspector-General should transmit copies of the reports on the operations of the Registration Department for its information inasmuch as the Settlement Commissioner will thereby be afforded an opportunity of offering his views on the suggestions or inferences made by the Inspector-General of Registration in regard to the economic condition of the country and of supplementing the same in the light of the information furnished in the returns of agricultural statistics compiled and reviewed in the Board's office.

15. The delay in the submission of this report is regretted. As already stated in the telegram sent to Government with Board's Proceedings, No. 1990, dated 22nd July 1896, it is due to the fact that the Board has been awaiting the receipt of a

detailed note from the late Inspector-General of Registration. This note was promised in January last, but has not as yet been received from him, though the Board has recently been furnished by the present Inspector-General with an incomplete copy of the same. Diwan Bahadur Srinivasa Raghava Aiyangar has again promised to send in his note with final amendments, but the Board is not prepared to defer any longer its reply to the order of Government. The note will be submitted to Government on receipt.

(True Copy and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department, with
copies of the minutes of conference and Sir Edward Buck's notes
and with spare copies of Board's Proceedings, No. 630,
dated 16th July 1888 and No. 835, dated 26th September 1888.

APPENDIX.

Districts.	Faslis.							
	1298.	1299	1300.	1301.	1302.	1303.	1304.	Total.
Ganjám	..	..	..	..	..	3	6	9
Vizagapatam	2	..	1	..	..	..	..	3
Godávari	..	162	207	143	247	267	354	1,380
Kistna	..	..	..	..	..	..	..	..
Nellore	1	..	..	..	..	..	..	1
Cuddapah	7	92	..	18	294	107	253	741
Anantapur	1	2	122	142	66	69	222	614
Bellary	30	78	41	55	367	43	51	650
Kurnool	..	..	4	45	26	64	14	153
Madras	..	..	..	..	..	..	..	..
Chingleput	..	18	27	76	51	33	33	238
North Arcot	9	4,303	1,400	5,258	2,363	1,755	685	15,773
South Arcot	3	..	63	..	..	311	49	426
Tanjore	3	16	33	150	76	266	3	547
Trichinopoly	15	38	52	1,006	67	74	..	1,247
Madura	..	2	..	..	14	6	18	40
Tinnevelly	78	79	70	92	166	7	4	491
Coimbatore	122	842	258	241	677	2,065	1,306	5,071
Nilgiris	..	1	3	8	9	9	..	30
Salem	5	..	..	..	..	221	759	985
South Canara	64	474	122	88	97	282	128	1,256
Malabar	..	..	..	..	..	..	..	..
Total ..	335	5,567	2,403	7,322	4,500	5,582	3,946	29,656

Exd. J. F. Oliver.

REVENUE DEPARTMENT.

1896.

Board of Revenue

(Land Revenue),

MADRAS.

Printed September th.

Proceedings, No. 327, 28*th August* 1896.

Submitting a report on the conference held with Sir E. Buck on certain subjects referred for the consideration of the Full Board and regretting the delay in the submission of the same.

The Conference with Sir Edward Buck.

1. Training of young civilians in the field
2. Amalgamation of the Registration & Land Records Departments
3. Elasticity in collecting land revenue

1. Hon'ble W. Grose, C.I.E.
2. Hon'ble W. Bliss, C.I.E.

8-10-95

D/1,000—20-2-96.

REVENUE DEPARTMENT.

C. No. 6285 (paragraphs 9 & 15 only).

From the Board of Revenue

Dated 28—2. 1896.

FOR ORDERS.

This Correct contains a memorandum of the remaining discussions held with Sir Edward Buck in December last. Govt. has already* expressed its views on the aforementioned subjects:—

1. Agricultural Education and Experiment
2. The utilization of land records for providing information.
3. Dr Voelcker's recommendation Subject no 2 includes the topic of "District Analysis" & subject no 3 has been fully discussed except as regards the minor item headed "Training of Young Civilians in the Field". This item (Chickpeas under Subpara (b) in Sir E Buck's Memorandum) forms one of the subjects dealt with in the correct now under consideration. Two other topics are discussed therein, name

9.0.'s in the Press

* Page 6 of 9.0. 750 Rev. 29.11.95

26

(i) Elasticity in collecting land revenue
(ii) The amalgamation of the departments of Land Records and Registration.
The first of these two subjects is being noted on by First Assistant who accordingly deals with the Jamabandi report & seasonal remissions. The matters submitted for consideration in this note are consequently only:—

(1) The training of young civilians in the field, and

(2) The amalgamation of the departments of land records & registration.

2. The training of young civilians in the field.

Sir E. Buck's memorandum* merely asks for discussion of the question "whether any modification of the present system is desirable."—
The opinions of the conference is that the existing rules are sufficient & a copy of the rules - which are embodied in the Indian Civil Service Manual - is printed as an appendix to the memorandum. It was however expected that junior civilians might get advantage also receive training in Executive Engineer's office in obtaining of plan drawing in respect

FOR ORDERS.

* (C) p.6 of 20 788 Rev. dy. 29.11.95

It is a good idea, but has to be given practical instruction & can also much be carried in the P.W. Dept

29 23

of Elementary work. A Divisional officer has frequently to scrutinize or prepare estimates for minor irrigation works, road repairs, & famine relief works, and in his capacity as Taluk Board President, & ex-officio Municipal Chairman has ample practice need of knowledge which will enable him properly to check estimates for road-work & works of petty construction & repairs. It is therefore submitted that the suggestion of the Conference should be cordially accepted, & that the Board of Revenue should be instructed to give immediate effect to it.

From my own experience as an Assistant Collr I venture to submit that all Collectors do not make their assistants take real charge of the villages which they are supposed to manage. I think the systematic training which Mr Brodie & afterwards Mr Phillips received under Mr Le Fanu's supervision was much more thorough than what most junior civilians get, & I doubt whether the rules laid down in para. 12 of the D.C.

manual are always strictly enforced; in my own case this was certainly not done. Perhaps the Board might be requested to insist on the instructions being rigorously carried out.

3. The Amalgamation of the departments of Land Records & Registration.

There is fortunately no need to discuss this subject at any length as the Govt of India & Sir S. Burk Nevill appear to have accepted the facts that there is little or no "record of rights" in the Madras Presidency in the sense in which the expression is used in Northern India, and that the Registration & Land Record Depts. consequently do not go twice over the same ground, and therefore need no amalgamation.

4. The ideal policy of the Govt of India is stated in the Resolution read in Govt no 4845 Rev. Dy. 1-11-95, to which attention is invited. For the reasons advanced in that resolution the Govt of India expressed its desire that the registration and land record establishments should at the first convenient opportunity

30

Attention should be called to this matter, and I do not see how the Board can do more than bring it down. Copies of Nos 26.9.88 & 35 Women and Wards Collectorate

Dy

We have no Record of rights to Ownership in this Presidency. All we have is a Register of Encumbrances for Revenue. We would take as many years as are granted to prepare a "Record of Rights" & I do not of my own case see how we could do more than write out descriptions of our districts & Taluks & Hamlets, our Land Revenue & Judicial Subdivisions &c &c. It would, however, be a gain to make our Registers of Revenue sales mortgages &c into Registers of Ownership, but I do not think any thing more can be done now in this direction than is proposed in paras 11 & 13 of the Govt Nos, proposals to which I see no objection. They seem to be all that could be done for the present with the work for which the Registration Staff is responsible

31

to Land Records & Registration Depts in this direction would now

Dy

Inspr. Genl. Registration

Under Regn Rules we have already for all practical purposes a Record of ownership, except as regards petty transactions under Rs 100 in amount. For all larger dealings in land we can find entries in the Regn Records. Such dealings cannot be performed recorded there, they are practically non-existent as titles because they could not be pleaded, or at least proved, in Court. In para 9 (2) of his note B of 16.12.95 Sir S. B. asserts that the entries in the Regn Index form a safe valid & complete record where else in the Dev: record of right because the fact relating to the ownership of land which has at last been the subject of transfer do not come into the Regn Index at all. But it is this very fact which makes the Regn Index so valuable. People are careful to take care of themselves & execute & get registered documents in regard to transactions under Rs 100, but only to execute & register documents, because, if a transaction for more than Rs 100 is entered into and registered, it takes precedence of previously executed & quite valid transactions of under Rs 100 which have not been registered. As to large transactions, the absence of all records of any from the Regn Index for 12 years proves that there were such entries and under the Limitation Act constitute a valid title. I do not see what more can be wanted.

As to the superiority of the

29

be brought under the same responsible head, the object in view being two-fold viz (i) "by perfecting the "registration of rights, to render "possible a contraction of the limits "within which registration of assurances "is compulsory"; and (ii) to relieve "as far as possible the parties "from the trouble and expense of "appearance in two distinct depart-"ments in respect of one & the "same transaction."

As the Hon'ble Mr Bliss would at the time the reasons advanced by the Govt of India are inapplicable to the Presidency, where there is now no "registration of rights" except for the purpose of securing the land revenue (Regn XVII of 1802), & where transfers can be executed before a Sub-registrar without the parties being compelled to make a separate transfer of the revenue registry (Govt no 406 Rev. Dy. 6-4-85).

The Conference in discussing the subject practically agreed that the duality of system complained of by the Govt of India does not exist in this Presidency, & that there is no co-

-sequently we need to devote im-
-mediate consideration to the "further
"amalgamation" of the departments
of Land Records and Registration.
The conference next discussed the
questions:- (i) How far is the record
now maintained a record of owner-
-ship? and (ii) How best could a
record of right be constructed and
maintained from the existing records
making the fullest use of the registration
offices? —

6. There is however no need to
consider these questions, for it appears
from Sir E. Buck's Demi-official
letter of the 13th February & the
Enclosure* thereto, that the immediate
object of the Govt of India's resolution
read on G.O. 4745 Rev dy 1-11-95 is merely
that "an opening should be given to
"the Land Records Department to
"suggest any reforms which may
"from time to time appear desirable
"in the direction of utilizing the
"land records as far as it may
"be convenient or advisable to
"do so for purposes of registration
"of title."

This object, it is said, "would seem
"to be sufficiently attained for present

Regn Records, kept by Mamlatdars
under a system which has
been most carefully elaborated to
prevent fraud & error, over the Board
of right records kept by Karkuns,
these can, it seems to me, be no dis-
-putes, if the facts are known. Sir
E.B.'s [illegible] suggestion, since
forwarded, is not concerning the facts.

HA
30/9/96

* Note .... dy 11-2-96 indicating results
of discussions in Bengal.

"purposes of the Director be per-
"-mitted to receive copies annual
"or otherwise of important reports
"or proposals from the Registration
"Department with authority to
"submit thereon such suggestions
"and comments as may occur to
"him .... in the direction of making
"a fuller use of the land records
"in respect of registration of
"deeds or titles".

As the Board points out (para 11
of the current) there is obviously
no objection to this course, which
is indeed followed already in regard
to proposals of the I.G. of Regn
which have any reference to
land records. There is however
no likelihood that this procedure
will result in this Presidency in
any approximation to the ideals
of the Govt of India, which are
unattainable without a "record
"of right". What steps should
be taken to establish such a "record"
is a question which, it is presumed,
need not be raised unless & until
the Govt of India insists upon it.

7. As to reference to para 13 of the
current, it is expected that Govt

may express approval of the Board's proposal to issue separate instructions with a view to securing agreement between ownership & revenue registry. If I recollect aright, the exceptional progress in this direction in North West should be ascribed to a question on the subject which first took place in the Jamabandi "catechism", & compels the Jamabandi officer to devote special attention to the subject.

8. With reference to para 15 of the current G.O. it is presumed that Diwan Bahadur Srinivasa Raghavaiyangar's note need not be circulated.

9. The Govt. of India is pressing for a report on these subjects & I thought there is no need to circulate the papers to H.E. the Govt., at least as regards this note, otherwise may be the case with regard to "the checks in collecting land revenue."

LD
27-9-96

* 15,773 reconciliations in seven years out of total for the Presidency of 29,005

(as also the Tehsildars, Revenue Inspectors & Surveyors)

This catechism is in force in all districts now and was in force in Salem & as Examiner in the West Coast. The idea was started by Calvert in his Red Letter of last century & should start.

There is much further unreconciled land between revenue registry & ownership & there should be some steps taken to reconcile and bring both registers up to date. Cuddapah is now being surveyed on famine grounds & that agreement is effected by. There is of course no need of rights in the case of a subsidiary Tahsildar's transfer.

Rly.

I should like to see this Jamabandi catechism

30/9/96

The Hon:Mr.GROSE,C.I.E.
The Hon:Mr.BLISS,C.I.E.

C. No. 6488.

G.O.No.2071 d/29-5-96

The notes are sufficient to present case for orders in the Commissioner of Land Revenue

29/9/96

30/9/96

In G.O.3905 d/ 26-9-95.

FOR ORDERS.

In its letter No.10/50-1 dated 22nd May 1896 the Govt.of India requested that the proceedings of the conferences held by Sir E Buck in this Presidency for the purpose of discussing the recommendations of the Agricultural conference of 1893 and other cognate matters might be forwarded with such recommendations as H.E.the G in Council desired to make.

2. One of the subjects discussed by Sir E.Buck was the question of elasticity in collecting land revenue. In para 4 of its Resolution No.15 dated 7th Sept.1895, the Govt.observed "The Govt.of India are at present considering measures for the prevention and relief of agricultural indebtedness, regarding which they will shortly consult Local Governments. But while framing measures with this object, it is incumbent upon Govt.to take care that such indebtedness is not promoted by the rgidity of the land revenue demand, and that, while the general principle of fixity of demand is maintained as essential, care is taken so to allow for special circumstances, both in the assessment and in collection, that the provident landowner shall not be driven to have recourse to the moneylender in order to pay the Govt.revenue".

3. At the conference the Board pointed out that the system of collection

collection in this Presidency was not unduly rigid, and that in determining the rates of assessment sufficient allowance had been allowed for vicissitudes of season, a deduction of 15 to 20 per cent. having been made from the estimated gross produce, and the Board's S.O. on the subject of remissions was also explained.

4. Sir E.Buck observed that as the rules were all that the Govt. of India had before it was desirable to furnish fuller informations on the following points:--

"(1) Whether the rules provide that adequate consideration would be paid by District officers to claims for remission on dry lands extending over tracts not sufficiently large to come under the purview of the Famine Code.

(2) Whether they did not leave too much discretion to the Collector.

(3) Whether greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial loss". The Board of Revenue accordingly dwells on these points in paras 3-8 of the current.

5. On the first point the Board observes that remissions of assessments on dry lands have been granted in exceptional circumstances, both in famine and in non-famine tracts, and illustrates this remark by a figured statement

statement showing the amount remitted during the fourteen (not fifteen) years ending with fasli 1304. The remissions related not only to waste lands, but also to lands on which the crops were totally lost or yielded poor outturn. The Board then explains the principles on which dry remissions are granted, and proposes to amplify S.O.No.23 so as to make it clear that such remissions may be recommended even in years in which widespread distress is not anticipated. This proposal may it is submitted be approved. The Board does not however, recommend any departure from the principle well recognized that no attempt should be made to estimate the losses on individual fields, and the reasons therefor are thus stated:--

"The case of dry lands differs from that of wet areas, in which the State is responsible for the supply of the necessary water. The failure of crops on dry lands is either due to seasonal causes or to the ryot's neglect. The latter cause does not entitle him to any consideration at the hands of Govt and the former must, as a rule, have affected his neighbours in the same measure as himself. It is therefore reasonable that concessions should be calculated for a tract and not for individual fields". This remark also may be concurred in.

6. The Board's remarks on the other two points do not call for notice.

7. In this connection the Board might have noticed the fact that in addition

addition to remissions of assessment, the ryots are also helped by being allowed to pay the assessments on some future date. Perhaps as remarked by the Board suspensions of land revenue do not meet the requirements of agriculturists, as the knowledge that demand of the suspended arrear, in addition to the current revenue, will be made with the first symptom of capacity to pay is not calculated to hasten the development of that capacity.

KD
28/9/96

29.9.96.

Para 11 of its Progs. printed at page 27 of G.O.No.780 d/ 2nd April 1879.

Revenue dept.

5-10

Read again G.O.No.3905 Rev., d/26-9-95
" " G.O.No.780 " d/29-11-95
" " G.O.No.4345 " d/1-11-95
" "
" "
" also C.No. 6488

ORDER of 8th Oct. 1896, No.514.

In the proceedings read above, the Board submits with its remarks a memorandum of the discussion held with Sir E.Buck on the remaining subjects referred for the consideration of the conference held in Decr. last, namely,

(1) elasticity in collecting land revenue,

(2) the training of ~~Junior~~ Civilians in the field, and

(3) the amalgamation of the Land Records and the Registration depts.

2. The first of these three subjects was referred to in para 8 of the resolution of the G. of I. in the dept. of Revt & Agri: No. 15/93-1, d/ 7th Septr. 1895. In that resolution the G. of I, after premising that measures for the prevention and relief of agri: indebtedness were at the time under its consideration, remarked that while framing measures with this object it was incumbent upon Govt. to take care that such

G.O.No.3905, d/ 26-9-95

40

indebtedness was not promoted by the rigidity of the land rev. demand and that while the general principle of fixity of demand is maintained as essential, ~~care is taken so to allow for~~ allowance is to be made for special circumstances, both in the assessment and in collection, that the provident landowner shall not be driven to have recourse to the money lender in order to pay the Govt. revenue. Local Govts were accordingly requested to take advantage of Sir Edward Buck's tour for the purpose of discussing this matter, and thereafter to advise the G. of I. as to what measures in this direction were regarded as practicable in each province and as to the reasons for so regarding them. ~~The view taken~~ In the course of the discussion ~~was as~~ that the system of collecting the land rev. in the had left with Sir Edward Buck, it was pointed out, is not unduly rigid and that land does not pass to any great extent from the hands of agriculturists into those of non-agriculturists. ~~and~~ attention was also drawn to the fact that leniency of assessment should be secured by the deduction of from 15 to 20 p.c. which is made from gross profits on account of vicissitudes of season before the determination of the Govt. share. ~~The questions which the conference considered it specifically necessary to were as follows:-~~

? "has been" or "should have been"

The Comference considered that the rules in the Famine Code sufficiently provided for the circumstances of a large tract affected by bad season

41 29 60

being fully reported upon to the Board at Govt., but that the following questions required information was required as to further consideration.

"(1) whether the rules provide that adequate consideration would be paid by Dt. Officers to claims for remission on dry lands extending over tracts not sufficiently large to come under the purview of the Famine Code;

"(2) whether they did not leave too much to the discretion of the Collector,"

"(3) whether the greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial loss."

The Board's views on these matters have now been submitted. On the first point, the Board observes that remissions of assessments on dry lands have been granted in exceptional circumstances, both in famine and in non-famine tracts, and illustrates this remark by the statement reproduced in the margin which shows the amount remitted during the 14 years ending with fasli 1304. These remissions related not only to waste lands but also to lands on which the crops were totally lost or yielded a poor out-turn. The Board next discusses in paras 4-6 of its resolution the principles on which the grant of remissions on dry lands is regulated, and in drawing attention to the wording of its S.O. No. 23, suggests that it is desirable to amplify the rule contained therein so as to make it clear that remissions for dry lands may be recommended even in years when no widespread distress is

x Mr. Abell in margin of para 3 of the memorial

anticipated. The modification is in the opinion of Govt. desirable, but it will be necessary to word the revised S.O. with great care. The Govt. concurs in the Board's views as to the distinction between dry and wet areas and the necessity of adhering to the principle that concessions granted in respect of dry lands should be calculated for a tract — and not for individual fields in consideration of the circumstance# that the failure of crops on dry lands is due either to seasonal causes or to the ryot's neglect. As the Board remarks, the latter cause does not entitle the ryot to any consideration at the hands of the Govt, and the former must as a rule have affected his neighbours in the same measure as himself.

4. In regard to the next point, namely, whether the rules do not leave too much to the discretion of the Collector, the Govt. agrees with the Board in considering that the Collrs. action is sufficiently supervised by the Commr. of Rev. Sett. who as a rule promptly inspects areas in regard to which it is proposed to grant dry remissions. With reference to the third point, namely, whether greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial loss, the Govt. concurs in the views expressed in para 5 of the proc. The grant of ~~wet~~ remission in the case of wet lands cultivated with dry crops owing to deficiency of water supply

A

of the difference between the wet and dry assessments

The Mr. Rule - that in cases where the ryot has sown wet crops and reaps wet ones there can be full remissions granted and that in this case in the case of the difference between the wet & dry rate agreed to when remissions are granted on fractions of annas

G.O.No.780 Rev., d/ 29-11-95

fields. These rules of the Mr. be submitted for the consideration of Govt.

or inadequate rainfall, taken together with the liberal allowance which is made on account of vicissitudes of season on unprofitable areas when the settlement any rates are fixed, render the grant of further concession uncalled for.

6. The next subject for consideration is the training of junior Civilians in the field. This is referred to in subpara (1) of the memorandum accompanying Sir E. Buck's letter No.12, d/ 20-11-95, which suggests the discussion of the question whether any modification of the present system is desirable. The opinion of the Conference on this point was that the existing rules which are embodied in the appendix to the memorandum of discussions are sufficient. It was however suggested that junior Civilians might with advantage also receive training in the Mr: Engineer's office in estimating and plan drawing in respect of elementary work and the Board now endorses that suggestion. Junior Civilians have frequent occasions in their capacities as Rev. Divisional officers and Taluk Board Presdts. to scrutinize estimates for minor irrigation works, road works and the maintenance of communications works of petty construction and repair, and there can be no question as to the advantage which they would derive from receiving training of the character suggested. The proposal is accordingly approved and ~~it will be for~~ will be required the Board to draw up detailed instructions in the matter and to submit definite proposals for the sanction

of Govt. in the P.W.D. Before passing on to the next subject, the Govt. desire would request the Board to draw the attention of Collectors to ~~the training which~~ ~~Messrs. Prodio and Levy underwent as Asst. Collrs.~~ and to arrange, as far as may be possible, that junior Civilians shall in future receive ~~an equally~~ thorough course of instruction in the duties of rev. officers.

7. The next subject for consideration is the suggested amalgamation of the land records and registration depts. The views of the G. of I. in regard to this matter are set out in its resolution in the dept. of Rev. and Agri. No. 20/363-1, d/ 9-10-95. For the reasons detailed therein, the G. of I. expressed its desire that the Registration and L. establishments should at the first convenient opportunity be brought under the same responsible head, the object in view being ~~to~~ two-fold, namely, (1) "by perfecting the registration of rights to render possible a contraction of the limits within which registration of ~~rights~~ assurances is compulsory, and (2) to relieve as far as possible the parties from the trouble and expense of appearance in two distinct depts. in respect of one and the same transaction." The Conference in discussing this question first noticed the fact that there is in the Madras Presy. no record of right as the term is understood in ~~the~~ India. The records maintained under

W^o Secy. (L^r No.) Bombay. dated 4th July 1898. and to W^o Secy. (L^r No.) No 885 dated 26th Sept. 1898.

Mad. Regn. XXVI of 1802 are practically nothing but registers showing the individuals responsible for the payment of Govt. revenue. It was next pointed out that if this were conceded ~~and~~ it cannot, in the opinion of Govt., be disputed there is not at present that duality of system which the G. of I. desires to see reduced and the question of the further amalgamation of the two depts. consequently requires no immediate discussion. The Conference however indicated the questions which would require consideration in the event of discussion being considered necessary. These were as follows:-

(1) "~~Cab~~ how far is the record now maintained a record of ownership?"

(2) "if not, how best ~~could~~ a record of right be constructed and maintained from the existing records, making the fullest use of the registration offices?"

Into these questions, however, the Govt. does not propose to enter, for it appears from para 11 of the Board's resolution and from the note referred to therein laid down that it was allowed in the course of similar discussions held in Bombay, that the immediate object of the resolution of the G. of I. quoted above was merely that "an opening should be given to the L.R. dept to suggest any reforms which may from time to time appear desirable in the direction of utilizing the land records as far as it may be convenient or advisable to do so for purposes of registration of title, and that this object

4-6

would seem to be sufficiently attained for present purposes if the Director of L.R. be permitted to receive copies, annual or otherwise, of important reports or proposals from the Registration dept. with authority to submit thereon such suggestions and comments as may occur to him in the direction of making a fuller use of the land records in respect to registration of deeds or titles. As the Board observes, no objection can be raised to this course which has been followed in the past in regard to proposals which the I.G. of Registration in this Presy. has made when bearing direct reference to the business of the L.R. dept. In para 12 of its procs., the Board draws attention to the orders issued more than ten years ago which in this Presy. provide for the execution in registration offices of transfers of revenue registry, and shows that increasing advantage is every year taken of this system which is calculated to secure part of the object kept in view by the G. of I., namely, "the relief of the parties from the trouble and expense of appearance in two distinct depts. in respect of one and the same transaction."

4. In para 13 the Board refers to the extent to which action has been taken in the several districts for the purpose of securing agreement between ownership and revenue registry. The appendix to the procs. would seem to show that much more vigorous action has been taken in the Trichy Dist. than in some districts than in others, but

42 32 90

the Govt. notes that the Board proposes to issue separate instructions on this subject and on cognate questions and will defer making further remarks until the receipt of the Board's more detailed views. It will suffice to say that in the opinion of Govt. no further steps need be taken for the reconciliation of ownership and revenue registry in this Presy. The preparation of a record of rights would involve enormous expenditure and occupy many years and it is questionable whether such a measure could be carried out without increasing the size of the Madras districts and materially strengthening the land revenue and judicial establishments. The records maintained in the registration dept. are already for practical purposes a record of ownership except as regards petty transactions, and there can in the opinion of Govt. no dispute as to the superior accuracy of registration records maintained by educated men under a system which has been most carefully elaborated to prevent fraud and error, as compared with the records of rights kept by village karnams.

(from orders)

The Board of Revenue D 4-10-96 Rikkra
2 R. Regd. Board wk ref. 6 June 96 Revenue Dept.

LETTER No. 575 12/7

To

The Secy. to the G. of I.
Dept. of Rev. & Agri.

Sir,

In continuation of my letter No.

Sen 11-11-96
105
Answ. 11-11-96

Office
U.S. H.E. will refer to the two letters
re. "Land Records" & "Agricl
Education &c"

No. 514 dated 8-10-96.

4 488, d/ 24/9/96, I am directed to ~~submit~~ forward a copy of the procs. of this Govt. of this date embodying the views of the Conference held with Sir E. Tuck in regard to the marginally noted subjects* and the opinions of H.E. the Governor in Council thereon.

2. I am to say that these procs. and those forwarded with the letters just quoted contain the views of this Govt. in regard to all the matters which were referred for discussion with Sir E. Tuck.

Thos. M.
D.O.
6.10.96

8/10/96. 50/N.

100
8/10/96

*(i) Electricity in colliery haulage
(ii) The training of young civilians at the Bar
(iii) The amalgamation of the Land Record & Registration Depts.

49

DESPATCH

Secy.
8.9.H
31.10.96

No. 514
6-10-96

33
Conference with Sir E. Tuck

Re.
P.O. No. 574 d/ 8-10-96
Letter 575.

Submitted to H.E. the Governor before issue, as the letter is not of a routine description.
2. The papers were not marked for H.E. the Governor as the subject required immediate consideration & H.E. was on tour when the papers were ready for circulation.

D.
10.10.96

c. 38/10
4/11.

50 | 39

Government {1896} of Madras.

REVENUE.

Recd. } 1896. *Enclosures*

Regd. } *Spare copies*

G.O., No. 514, 8th October 1896.

OCTOBER.

Conference.

Passing orders on Board's Proceedings submitting, with remarks, a memorandum of the discussions held with Sir E. Buck on certain subjects referred for the consideration of the — held in December 1895.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—again G.O., No. 3905, Revenue, dated 26th September 1895.

Abstract.—Communicating to the Board of Revenue Resolution of the Government of India announcing the deputation of Sir E. Buck, Secretary to the Government of India, Revenue and Agricultural Department, to discuss with Local Governments and Administrations the various subjects considered at the Agricultural Conference of 1893.

Read—again G.O., No. 780, Revenue, dated 29th November 1895.

Abstract.—Communicating with remarks to the Board of Revenue Proceedings, Government of India, forwarding a memorandum summarizing the remaining questions to be considered in connection with the Agricultural Conference of 1893.

Read—again G.O., Mis. No. 4345, Revenue, dated 1st November 1895.

Abstract.—Communicating to the Judicial Department and to the Board of Revenue, with remarks, Circular from the Government of India explaining their policy in regard to bringing the Registration and Land Records Departments into closer correspondence with each other and under the same responsible head.

Read—also the following Proceedings of the Board of Revenue (Land Revenue), No. 327, dated 28th August 1896:—

Read—Government Order, Press No. 780, Revenue, dated 29th November 1895.

Read—again Government Order, Mis. No. 5012, Revenue, dated 12th December 1895.

Abstract.—Directing, in modification of Government Order, No. 4345, dated 1st November 1895, that the subject of bringing the Land Records and Registration Departments into closer correspondence with each other should be discussed with Sir Edward Buck by the Full Board and the Inspector-General of Registration.

Resolution—No. 327, dated 28th August 1896.

The Board begs to submit herewith a memorandum of the discussion held with Sir Edward Buck on the marginally-noted subjects referred for the consideration of the Full Board in the Government Orders read above.

I.—Elasticity in collecting land revenue.
II.—Training of junior civilians in the field.
III.—The amalgamation of the Land Records and the Registration departments of Government.

2. *I.—Elasticity in collecting Land Revenue.*—It will be seen from the memorandum that the only points on which information is required to be furnished by the Board on this subject are the following:—

(i) Whether remissions on dry lands are recommended and granted in exceptional circumstances and whether the rules provide that adequate consideration should be paid by District officers to claims for remission on dry lands extending over tracts not sufficiently large to come under the purview of the Famine Code;

(ii) whether the rules do not leave too much to the discretion of the Collector; and

(iii) whether greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial less.

3. On the first point, Standing Order No. 23 provides that no remissions of assessment on unirrigated lands will be granted unless in very exceptional years or under very exceptional circumstances and with the previous sanction of the Board. This rule is based mainly on the considerations that assessment on dry lands is on the average very low and that in calculating the settlement rates a deduction of from 15 to 25 per cent. has been made on account of vicissitudes of season and the inclusion of unprofitable areas in the holdings. In practice, dry remissions have been granted on waste and on withered crops and in cases of short produce even where the failure of crops was not such as to call for measures of famine relief. This will be borne out by the marginal statement which exhibits the amount of dry remissions granted during the last 15 years in famine and non-famine tracts.

Faslis.	Amount of remission granted		
	in famine tracts.	in non-famine tracts.	Total.
	Rs.	Rs.	Rs.
1291	..	2,07,588	2,07,588
1292	..	17,961	17,961
1293	..	..	..
1294	8,55,781	49,878	9,05,659
1295	..	1,059	1,059
1296	..	36,288	36,288
1297	..	..	..
1298	3,211	76,034	79,245
1299	..	..	..
1300	65,795	17,450	83,245
1301	10,34,033	..	10,34,033
1302	..	58,698	51,698
1303	..	..	..
1304	..	..	..

4. The principles by which the Board is guided in the grant of such remissions are explained in the Board's Proceedings recorded in Government Orders, No. 780, dated 2nd April 1879, No. 262, dated 6th March 1882, No. 393, dated 17th April 1882, No. 1302, dated 22nd November 1882, and No. 305, dated 19th March 1887, and are briefly stated below:—

No remission is granted in tracts or villages in which the average crop is 6 annas or more, a normal crop being taken at 12 annas or three-fourths of the highest standard. When the crop is less than 6 annas remissions are granted at varying rates at the discretion of the Board:—

(*a*) When the crop is between 6 and 4 annas, at 25 or 50 per cent. according to the degree of distress prevailing in the affected tracts;

(*b*) when the crop is between 4 and 2 annas, at 50 or 75 per cent.; and

(*c*) when it is less than 2 annas, 85 per cent. or full remission. Full remission is also granted on *waste* where the cultivated lands of individual ryots have yielded less than a 6-anna crop, but if they have yielded more, the assessment of only such waste as is not usually left fallow or reserved for pasture is remitted.

5. The figures given in paragraph 3 show that remissions are granted on dry lands in exceptional cases, but the wording of Standing Order No. 23 precludes Collectors from asking for the Board's sanction to such remissions unless the circumstances are very peculiar. It is generally supposed by District officers that distress deepening into famine will alone justify an application for dry remission, and it is to be feared that a too strict interpretation of the rules may cause a good deal of hardship. But the Board considers that the principles enunciated in the papers quoted in the last paragraph are sound and would more especially invite attention to the full explanation of the Madras system given in the Board's Proceedings, under Government Order, No. 780, dated 2nd April 1879. It was then said:—

"On dry lands individual remissions are not given. The State does not step in to prevent a man from passing from the condition of a petty proprietor (or occupier) on his own account to that of a laborer. If accident, such as loss of cattle, impecuniosity, &c., prevents an individual in an ordinary year from cultivating, his case must take its course. But if there is so general a failure of rain, so great a blight, or other natural visitation over a tract as to render it desirable from public rather than individual considerations that the revenue demand should not be pressed in full, or should be remitted altogether the partial or entire remission deemed necessary is given over the distressed tract, and the advantages are shared rateably by all alike. It is considered

better for the general interests of the people and Government that, if the outturn over a tract is quite insufficient to meet the demands of a year, small accumulations of capital, if such exist, should not be sought out and absorbed to meet the deficiency. Absence of capital has probably been amongst the causes that have led to the distress, or at any rate weakened the people's power of resistance. To hold what little capital may be accumulating liable for the year's demand in a season of scarcity is at once to intensify the distress and render its recurrence and ultimate loss of revenue in consequence more probable and more serious; and so remission is allowed not to keep a pauper ryot from throwing up any field or fields that ordinarily he cannot make profitable and meet the revenue demand upon, but because, 1stly, it is considered that the general failure of the particular season over the particular tract entitles each of the ryots therein, whether he be poor or whether he be rich, in his position as a Government tenant to consideration at the hands of Government as his landlord; and, 2ndly, it is thought better to relax the demands in an exceptionally hard time, so that the resources of the tract may not be unduly crippled or capital unduly trenched on."

6. The Board is however prepared to amplify Standing Order No. 23 so as to make it clear that dry remissions may be recommended even in years when no wide-spread distress is anticipated. There appears to be no reason for advocating a departure from the principle that individual losses should not be estimated. The case of dry lands differs from that of wet areas, in which the State is responsible for the supply of the necessary water. The failure of crops on dry lands is either due to seasonal causes or to the ryot's neglect. The latter cause does not entitle him to any consideration at the hands of Government, and the former must, as a rule, have affected his neighbours in the same measure as himself. It is therefore reasonable that concessions should be calculated for a tract and not for individual fields. But the Board believes that the stereotyped deduction made in the settlement calculations for vicissitudes of season does not always afford the necessary relief. It acts as a *bonus* on fertile lands and helps but little the ryot who owns the poorer soil. This remark applies with equal force to wet lands.

7. On the second point the Board begs to state that as the affected parts are, as a general rule, promptly inspected by the Commissioner of Revenue Settlement and Agriculture, the question of the grant of dry remissions is not wholly left to the discretion of the Collector.

8. On the third point the Board observes that in seasons of short water-supply or insufficient rainfall ryots are encouraged to sow dry crops on their wet lands and are granted a remission of the difference * between the dry and wet assessments, and that in cases where the ryots sow wet crops and reap not more than a 2-anna crop full remissions are granted. Under recent orders of the Board both classes of remissions are also granted on portions of survey fields.† Having regard to the above facts and to the allowance of from 15 to 25 per cent. made on account of vicissitudes of season and unprofitable areas in determining the settlement rates of assessment, the Board has not hitherto considered that any further concessions are called for. The question of remissions is dealt with by the Settlement Commissioner.

	Rs.		Rs.
* Fasli 1290 ..	1,02,610	Fasli 1298 ..	99,279
,, 1291 ..	1,20,076	,, 1299 ..	57,744
,, 1292 ..	1,04,943	,, 1300 ..	3,24,937
,, 1293 ..	99,195	,, 1301 ..	4,65,973
,, 1294 ..	1,82,153	,, 1302 ..	2,27,666
,, 1295 ..	1,18,749	,, 1303 ..	64,788
,, 1296 ..	73,471	,, 1304 ..	1,54,122
,, 1297 ..	67,749		

† Board's Proceedings, No. 161, R. S., dated 8th July 1896.

9. *II.—Training of Junior Civilians in the field.*—Next, as regards the training of junior civilians, it will be seen that the rules on the subject are appended to the memorandum of the notes of conference. The Board would also invite attention to Board's Proceedings, Nos. 630 and 835, dated 16th July and 26th September 1888, respectively, and to Mr. Nicholson's note printed at pages 67 and 68 of the Proceedings of the Agricultural Conference held at Simla in 1893. The Board sees no objection to the adoption of the suggestion that junior civilians should receive training in the Executive Engineer's office in estimating and plan-drawing and in respect of elementary work, such as earthwork (for tanks) and simple masonry works, *e.g.*, sluices and culverts.

10. *II—The amalgamation of the Land Records and the Registration Department of Government.*—The Government of India enquires whether the Registration and Land Records establishments may not be placed under the same responsible head with a two-fold object, viz.—

(1) in order that the Registration Department which registers assurances or evidence of titles and the Land Record department which registers titles to revenue-paying lands may be brought into closer correspondence with each other, so that by perfecting the registration of rights in the Land Records he may make it possible to contract the limits within which the registration of assurances is compulsory; and

(2) that parties may be relieved, as far as possible, from the trouble and expense of appearing before two distinct departments in respect of one and the same transaction.

11. The above proposal involves the consideration of the several questions specified in the memorandum of the notes of the conference, but from the subsequent correspondence with Sir Edward Buck the Board understands that the original intention has since been modified and that it is not the desire of the Government of India that any change in the existing system should be considered. In a note written on the 13th February 1896 Sir Edward Buck says: —

"The object in view would . . . . seem to be sufficiently attained for present purposes if the Director be permitted to receive copies, annual or other, of important reports or proposals from the Registration Department with authority to submit thereon such suggestions and comments as may occur to him for the consideration of the Board of Revenue and of the Local Government."

To this suggestion the Board believes that no objection can be raised. Sir Edward Buck adds that it is intended to avoid "on the one hand any dislocation of existing arrangements, and on the other any material discussion of the existing systems of Land Records and Registration."

12. The Board is therefore precluded from discussing the proposals and would merely invite attention to the action taken in 1885 with a view to bring the Land Records and the Registration departments into closer correspondence with each other. In the order read in Board's Proceedings, No. 844, dated 13th March 1885, the Government directed that whenever an instrument involving transfer of possession of lands was presented to a Sub-Registrar he should ask the parties whether they desired to have transfer of revenue registry effected at the same time, and, if they consented, he was directed to allow them to execute before him, on printed forms supplied for the purpose, the necessary application to the revenue authorities and afterwards transmit it to the Tahsildar concerned. This order has been in force since 1885–86 with this modification, viz., that even when one of the parties — say, the transferer—subsequently recedes, the application should be disposed of under paragraph 3 (*a*) of Standing Order No. 20 as if it were made only by the transferee—*vide* paragraph 7 of Board's Proceedings, No. 314 of 24th July 1894. It will be seen from the marginally-noted figures comparing the total number of applications dealt with by the Revenue officers with the portion thereof presented through the Registration Department, that the above system has been finding favour with the people.

Fasli.	Total number of applications.	Number presented through Registration officers.	Percentage of column 3 to column 2.
1297	127,965	40,455	32·1
1298	130,312	42,340	32·5
1299	131,998	46,676	35·4
1300	132,701	50,254	37·9
1301	117,817	48,018	40·8
1302	127,658	56,654	44·4
1303	114,563	52,637	45·9
1304	110,037	50,886	46·2

13. Of the three classes of transfers dealt with in the rules for the transfer of registry of holdings embodied in Standing Order No. 20, it is only in cases of transfers by succession that Revenue officers are expected to take action on their own initiative immediately after the occasion for the transfer arises. In the other two classes of cases, transfer of registry is made only on the application of one or both of the parties; and where no such application is presented action is taken by the Revenue officers only after the alienee has been in possession of the property for twelve years from the date of the alienation or court sale. The extent to which action has been taken in this direction is indicated in the appended statement; the considerable variations between the number disposed of in the several districts have been ascertained to be due to the varying efforts made by Revenue officers of their own accord to secure agreement between ownership and revenue registry. Instructions will be separately issued on this subject and on the cognate

question whether even in cases where the alienees, *e.g.*, by court sales, have been in possession for a smaller period than twelve years, Revenue officers may not take action of their own initiative in view to the transfer being registered, if it is found on enquiry that neither of the parties objects thereto. The facts mentioned above and in the preceding paragraph will show that attempts are being made to secure agreement between ownership and revenue registry so far as is possible without leading ignorant villagers to suppose that a new departure has been taken in the matter of registering titles.

14. On the suggestion referred to in paragraph 11 above, the Board begs to state that it is already consulted by Government whenever any proposals are made by the Inspector-General of Registration which have any reference to Land Records; and it welcomes the proposal that the Inspector-General should transmit copies of the reports on the operations of the Registration Department for its information inasmuch as the Settlement Commissioner will thereby be afforded an opportunity of offering his views on the suggestions or inferences made by the Inspector-General of Registration in regard to the economic condition of the country and of supplementing the same in the light of the information furnished in the returns of agricultural statistics compiled and reviewed in the Board's office.

15. The delay in the submission of this report is regretted. As already stated in the telegram sent to Government with Board's Proceedings, No. 1990, dated 22nd July 1896, it is due to the fact that the Board has been awaiting the receipt of a detailed note from the late Inspector-General of Registration. This note was promised in January last, but has not as yet been received from him, though the Board has recently been furnished by the present Inspector-General with an incomplete copy of the same. Diwan Bahadur Srinivasa Raghava Aiyangar has again promised to send in his note with final amendments, but the Board is not prepared to defer any longer its reply to the order of Government. The note will be submitted to Government on receipt.

(True Copy and Extract.)

(Signed) R. C. C. CARR,
Acting Secretary.

To the Secretary to Government, Revenue Department, with
copies of the minutes of conference and Sir Edward Buck's notes
and with spare copies of Board's Proceedings, No. 630,
dated 16th July 1888 and No. 835, dated 26th September 1888.

APPENDIX.

Districts.	Faslis.							
	1298.	1299.	1300.	1301.	1302.	1303.	1304.	Total.
Ganjám	..	..	..	..	..	3	6	9
Vizagapatam	2	..	1	..	..	..	..	3
Gódávari	..	162	207	143	247	267	354	1,380
Kistna	..	..	..	..	..	..	..	..
Nellore	1	..	..	..	..	..	..	1
Cuddapah	7	62	..	18	294	107	253	741
Anantapur	1	2	122	142	56	69	222	614
Bellary	30	73	41	66	357	43	51	660
Kurnool	..	..	4	45	26	64	14	153
Madras	..	..	..	..	..	..	..	..
Chingleput	..	18	27	76	51	33	33	238
North Arcot	9	4,303	1,400	5,258	2,863	1,755	685	16,773
South Arcot	3	..	63	..	..	311	49	426
Tanjore	3	16	33	150	76	266	3	547
Trichinopoly	15	33	52	1,006	67	74	..	1,247
Madura	..	2	..	..	14	6	18	40
Tinnevelly	73	79	70	92	166	7	4	491
Coimbatore	122	342	258	241	677	2,065	1,366	5,071
Nilgiris	..	1	3	6	9	9	..	30
Salem	5	..	..	..	..	221	759	985
South Canara	64	474	122	88	97	282	129	1,256
Malabar	..	..	..	..	..	..	..	..
Total ..	335	5,567	2,403	7,322	4,500	5,582	3,946	29,655

Enclosure.

NOTES OF CONFERENCE HELD WITH Sir E. C. BUCK, 14th December 1895.

Present:

Sir E. C. Buck, *Kt.*, C.S.I.
The Hon'ble Mr. C. S. Crole, Acting First Member, Board of Revenue.
" " A. T. Arundel, Acting Second Member, Board of Revenue.
" " J. Sturrock, Acting Third Member, Board of Revenue.
H. M. Winterbotham, Esq., Fourth Member, Board of Revenue.
L. M. Wynch, Esq., Secretary to the Board of Revenue (Land Revenue).
Dewan Bahadur Srinivasa Raghavaiyengar.

Read G.O., No. 780, dated 29th November 1895, communicating letter from Sir E. C. Buck, *Kt.*, C.S.I., Secretary to Government of India, Revenue and Agricultural Department, on special duty, dated 20 November 1895, No. 12.

The first subject discussed was the question of elasticity in collecting land revenue. Sir E. C. Buck cited Government of India Resolution No. 15, dated 7th September 1895 (in Board's Proceedings, No. 5021, dated 7th October 1895) in explanation of the question at issue.

It was pointed out that the Board had no reason to believe that the system of collection in Madras was unduly rigid—or that land was passing to any great extent from the hands of agriculturists into those of non-agriculturists.

It was also pointed out that a deduction for vicissitudes of seasons of from 15 to 20 per cent. was made from the gross profits before the determination of the Government assessment.

The standing orders regulating the grant of remissions were then discussed.

Sir E. C. Buck observed that paragraph 4 of Standing Order No. 23 seemed to be worded so as to deter Collectors from recommending remissions on dry lands, and that as the rules were all that the Government of India had before them it would be as well to explain that in practice such remissions are recommended and granted in exceptional circumstances, *e.g.*, in 1891 and 1892 in about six districts.

The rules laid down in the Famine Code sufficiently provide for the circumstances of a large tract affected by bad season being fully reported upon to the Board and Government. The questions to be considered in the Resolution seemed to be—

(1) Whether the rules provide that adequate consideration would be paid by District officers to claims for remission on dry lands extending over tracts not sufficiently large to come under the purview of the Famine Code.

(2) Whether they did not leave too much to the discretion of the Collector.

(3) Whether greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial loss.

II.

The next point discussed was the training of junior civilians in the field.

The existing rules (appended) were thought to be sufficient. It was however suggested that junior civilians might with advantage receive training in the Executive Engineer's office in estimating and plan drawing, in respect of elementary work, such as earth-work (for tanks) and simple masonry works, *e.g.*, sluices and culverts.

III.

Read G.O., No. 5012, dated 12th December 1895, communicating copy of G.O., Mis., No. 4845, dated 1st November 1895, communicating Circular from the Government of India, Department of Revenue and Agriculture, No. 20—358-1, dated 2nd October 1895, as to the question of bringing the departments of Land Records and Registration into closer correspondence with each other.

Sir E. C. Buck opened the discussion by reading a note which he had written.

As to what is meant precisely by a record of right, Sir E. C. Buck referred the Board to the Acts of the North-West Provinces and the Punjab, especially the latter.

The Madras record is maintained under Regulation XXVI of 1802.

It was admitted that the Courts attached little or no weight to the entries therein and in consequence the village records have tended to become a mere record of the persons responsible for the payment of the Government revenue.

Allowing that no record of right (as understood in Northern India) is at present maintained in this Presidency, there is not at present that duality of system which the Government of

India desires to see reduced to smaller dimensions. And the question of the further amalgamation of the department of Land Records and Registration is not one that requires immediate discussion.

The first question to be considered is—

How far is the record now maintained a record of ownership?

Sir E. C. Buck remarked that if there was any doubt about this it would seem desirable to institute some system of examination by which it could be ascertained whether the record was in accord with the facts or not.

2. If not, how best could a record of right be constructed and maintained from the existing records making the fullest use of the registration offices?

The following measures would, if a record of rights were constructed and maintained, seem to be necessary:—

(*a*) To make a judicial enquiry into the correctness of each entry as it now stands.

(*b*) To make it compulsory to describe lands in documents by their survey numbers.

(*c*) To maintain a record for every survey field in serial order.

N.B.—Whether this should be maintained in the Registration offices or by the karnams is a question for decision.

(*d*) To make it obligatory under penalty upon proprietors (1) either to report to the Revenue office transactions affecting land of less value than Re. 100, or (2) to have them registered in the Registration office.

(*e*) That a judicial enquiry should be held upon such reports.

It was objected that a very large amount of extra work would be thrown on the Revenue Department (1) in the construction of the initial record; (2) in the maintenance of it. Also that the record would be of little use if encumbrances were not to be brought upon it.

L. M. WYNCH,
Secretary.

Extracts from the Indian Civil Service Manual.

Paragraph 12.—*Assistants to be placed in entire charge of one or more villages.*—One or more villages near the chief town shall be placed under their charge, and they will be required to undertake their entire management and to keep the accounts of the same; their orders, until they pass by the lower standard, being subject to the Collector's confirmation. After a time the condition of these villages, their tenures, statistics, &c., shall be fully reported upon to the Collector.

Paragraph 40.—(1) Independently of the examination in survey which is prescribed for the higher standard in rule 22 *supra*, junior civilians must undergo a month's practical training in surveying, and no officer will be entitled to receive the increased allowance of a "passed assistant" until he has completed this practical course and received the required certificate.

(2) Survey schools, each lasting one month, are held at convenient centres during the months of May and June. The dates of opening and closing the schools and the places at which they are to be held are fixed by the Board of Revenue and notified for the information of Collectors early in April.

(3) The most suitable time for practical training in survey work will ordinarily be when an assistant has attained six months' standing. Before an assistant has reached that period of his service, he should submit a request to be attached to a survey party. The Collector will forward the application through the Superintendent, Revenue Survey, for the sanction of the Board of Revenue. The Superintendent of Survey in forwarding it will state to which school the assistant may, in his opinion, be most conveniently attached.

(4) On sanction being given for an assistant to join a survey party, his Collector will make arrangements to relieve him of his ordinary duties during the period of training.

(5) Assistants shall, on joining a survey party, report themselves to the Collector of the district where the party is working.

(6) Each survey school is superintended by the Survey officer in charge of the division in which the school is held.

(7) The course of instruction is as follows:—

(i) That prescribed for karnams which lasts about one week and comprises the use of the following instruments: chain, cross staff, offset pole, plotting and offset scales, area square.

(ii) The additional course usually undergone by Revenue Inspectors comprising the use of the following instruments: prismatic compass, protractor, plane table, computing scale. This course also lasts for about one week.

(iii) The use of the theodolite, vernier scale, diagonal scale.

While learning the use of the instruments mentioned above, the method of preparation and practical use of the following survey records and the means of testing their accuracy have to be thoroughly acquired:—

(1) Village maps, (2) field measurement book, (3) field register and (4) area list.

The Survey officer will take the class of junior civilians with him to one or more villages and examine the survey records on the ground on at least fifteen days during the course of instruction.

(8) After an Assistant Collector has satisfactorily completed his prescribed course, a certificate in the Form A appended shall be prepared by the officer in charge of the party and forwarded for countersignature to the Superintendent of Revenue Survey, whose duty it will be to satisfy himself, as far as possible, that the certificate is correct and that the time passed with the party has been profitably employed.

Form A.

Certificate.

I, A. B., Deputy Superintendent of Revenue Survey, do hereby certify that Mr. C. D. of the Indian Civil Service has been attached to ——— Party for a period of ——— from ——— to ———, during which time he has accompanied me on ——— occasions when engaged on field work survey and that he has acquired a fair knowledge of the operations of survey and of the orders relating thereto.

(Countersigned) X. Y.,
Supdt. of Rev. Survey.

(Signed) A. B.,
Dy. Supdt. of Rev. Survey.

(9) The Superintendent of Revenue Survey will forward to the Board of Revenue, for submission to Government, an annual return of all certificates granted to Assistant Collectors during the previous official year. The return will be in the Form B appended and should reach the Board not later than the 1st of June of the year following that to which it relates.

Form B.

Statement of certificates granted by Superintendent of Revenue Survey to junior civilians who have been attached to his department during the year ending 31st March 189 .

Number.	Name of junior civilian.	Appointment held by junior civilian.	To what party attached.	Name of Deputy Superintendent.	Date of issue of certificate.	Remarks.
1	2	3	4	5	6	7

(Signed)
Superintendent of Rev. Survey.

Order—No. 514, Revenue, dated 8th October 1896.

Miscellaneous.

In the Proceedings read above, the Board submits with its remarks a memorandum of the discussion held with Sir Edward Buck on the remaining subjects referred for the consideration of the Conference held in December last, namely,

(1) elasticity in collecting land revenue,
(2) the training of young civilians in the field, and,
(3) the amalgamation of the Land Records and the Registration departments.

2. The first of these three subjects was referred to in paragraph 4 of the Resolution of the Government of India in the Department of Revenue and Agriculture, No. 15—93-1, dated 7th September 1895. In that Resolution the Government of India, after premising that measures for the prevention and relief of agricultural indebtedness were at the time under its consideration, remarked that while framing measures with this object it was incumbent upon Government to take care that such indebtedness is not promoted by the rigidity of the

G.O., No. 3905, Revenue, dated 26th September 1895.

land revenue demand and that while the general principle of fixity of demand is maintained as essential, allowance is so made for special circumstances, both in the assessment and in collection, that the provident land-owner shall not be driven to have recourse to the money-lender in order to pay the Government revenue. Local Governments were accordingly requested to take advantage of Sir Edward Buck's tour for the purpose of discussing this matter, and thereafter to advise the Government of India as to what measures in this direction were regarded as practicable in each province and as to the reasons for so regarding them.

In the course of the discussion held with Sir Edward Buck, it was pointed out that the system of collecting land revenue in this Presidency is not unduly rigid and that land does not pass to any great extent from the hands of agriculturists into those of non-agriculturists. Attention was also drawn to the fact that leniency of assessment should have been secured by the deduction of from 15 to 20 per cent. which is made from gross produce on account of the vicissitudes of season before the determination of the Government share. The Conference considered that the rules in the Famine Code sufficiently provided for the circumstances of a large tract affected by bad season being fully reported upon to the Board and Government, but that further information was required as to the following questions:—

"(1) whether the rules provide that adequate consideration would be paid by District-officers to claims for remission on dry lands extending over tracts not sufficiently large to come under the purview of the Famine Code;"

"(2) whether they did not leave too much to the discretion of the Collector;"

"(3) whether greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial loss."

3. The Board's views on these matters have now been submitted. On the first point, the Board observes that remissions of assessments on dry lands have been granted in exceptional circumstances, both in famine and in non-famine tracts, and illustrates this remark by the statement reproduced in the margin which shows the amount remitted during the fourteen years ending with fasli 1304 (1894-95). These remissions related not only to waste lands but also to lands on which the crops were totally lost or yielded a poor outturn.

Faslis.	Amount of remission granted		
	in famine tracts.	in non-famine tracts.	Total.
	Rs.	Rs.	Rs.
1291	,,	2,07,588	2,07,588
1292	..	17,961	17,961
1293	..	..	..
1294	8,55,781	49,878	9,05,659
1295	..	1,059	1,059
1296	..	36,288	36,288
1297	..	..	..
1298	3,211	76,034	79,245
1299	..	..	..
1300	65,795	17,450	83,245
1301	10,34,033	..	10,34,033
1302	..	58,698	58,698
1303	..	..	..
1304	..	..	..

The Board next discusses in paragraphs 4—6 of its Resolution the principles upon which the grant of remissions on dry lands is regulated, and, in drawing attention to the wording of its Standing Order No. 23, suggests that it is desirable to amplify the rule contained therein so as to make it clear that a remission on dry lands may be recommended even in years when no wide-spread distress is anticipated. The modification is in the opinion of Government desirable, but it will be necessary to word the revised Standing Order with great care. The Government concurs in the Board's views as to the distinction between dry and wet areas and the necessity of adhering to the principle that concessions granted in respect of dry lands should be calculated for a tract—and not for individual fields—in consideration of the circumstance that the failure of crops on dry lands is due either to seasonal causes or to the ryot's neglect. As the Board remarks, the latter cause does not entitle the ryot to any consideration at the hands of the Government and the former must as a rule have affected his neighbours in the same measure as himself.

4. In regard to the next point, namely, whether the rules do not leave too much to the discretion of the Collector, the Government agrees with the Board in considering that the Collector's action is sufficiently supervised by the Commissioner of Revenue Settlement, who as a rule promptly inspects areas in regard to which it is proposed to grant dry remissions.

5. With reference to the third point, namely, whether greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial loss, the Government concurs in the views expressed in paragraph 8 of the proceedings. The grant of remission of the difference between the wet and dry assessment in the case of wet lands cultivated with dry crops owing to deficiency of water-supply or inadequate rainfall, taken together with the liberal allowance which is made on account of vicissitudes of season and unprofitable areas when the settlement rates are fixed, renders any further concession uncalled for. The Board state that in cases where the ryots sow wet crops and reap not more than a 2-anna crop, full remissions are granted and that in this case and in the case of the remission of the difference between the wet and dry assessment referred to above, remissions are granted on portions of survey fields. These orders of the Board should be submitted for the consideration of Government.

6. The next subject for consideration is the training of young civilians in the field. This is referred to in sub-paragraph (1) of the memorandum accompanying Sir Edward Buck's letter No. 12, dated 20th November 1895, which suggests the discussion of the question whether any modification of the present system is desirable. The opinion of the Conference on this point was that the existing rules which are embodied in the appendix to the memorandum of discussions are sufficient. It was however suggested that junior civilians might with advantage also receive training in the Executive Engineer's office in estimating and plan-drawing in respect of elementary work, and the Board now endorses that suggestion. Junior civilians have frequent occasions in their capacities as revenue divisional officers and taluk board presidents to scrutinize estimates for minor irrigation works, the maintenance of communications, famine relief works and works of petty construction and repairs, and there can be no question as to the advantage which they would derive from receiving training of the character suggested. The proposal is accordingly approved and the Board will be requested to draw up detailed instructions in the matter and to submit definite proposals for the sanction of Government in the Public Works Department. Before passing on to the next subject, the Government desires further to request the Board again to draw the attention of Collectors to Board's Proceedings (Land Revenue), No. 630, dated 16th July 1888, and to Board's Proceedings (Land Revenue), No. 835, dated 26th September 1888, and to arrange, as far as may be possible, that junior civilians shall in future receive a thorough course of instruction in the duties of a revenue officer.

7. The last subject for consideration is the suggested amalgamation of the Land Records and Registration departments. The views of the Government of India in regard to this matter are set out in its Resolution in the Department of Revenue and Agriculture, No. 20—353-1, dated 2nd October 1895. For the reasons detailed therein, the Government of India expressed its desire that the Registration and Land Records establishments should at the first convenient opportunity be brought under the same responsible head, the object in view being two-fold, namely, (1) "by perfecting the registration of rights to render possible a contraction of the limits within which registration of assurances is compulsory" and (2) "to relieve as far as possible the parties from the trouble and expense of appearance in two distinct departments in respect of one and the same transaction."

The Conference in discussing this question first noticed the fact that there is in the Madras Presidency no "record of right" as the term is understood in Northern India. The records maintained under Madras Regulation XXVI of 1802 are practically nothing but registers showing the individuals responsible for the payment of Government revenue. It was next pointed out that if this were conceded—it cannot, in the opinion of Government, be disputed—there is not at present that duality of system which the Government of India desires to see reduced and the question of the further amalgamation of the two departments consequently requires no immediate discussion. The Conference however indicated the questions which would require consideration in the event of discussion being considered necessary. These were as follows:—

(1) "How far the record now maintained is a record of ownership?"

(2) "If it be not such a record, how can a record of right be best constructed and maintained from the existing records, making the fullest use of the registration offices?"

Into these questions, however, the Government does not propose to enter, for it appears from paragraph 11 of the Board's Resolution and from the note referred to therein that it was laid down in the course of similar discussions held in Bombay that the immediate object of the Resolution of the Government of India quoted above was merely that "an opening should be given to the Land Records department to suggest any reforms which may from time to time appear desirable in the direction of utilizing the land records as far as it may be convenient or advisable to do so for purposes of registration of title," and that this object "would seem to be sufficiently attained for present purposes if the Director of Land Records be permitted to receive copies, annual or otherwise, of important reports or proposals from the Registration department with authority to submit thereon such suggestions and comments as may occur to him . . . . in the direction of making a fuller use of the land records in respect to registration of deeds or titles." As the Board observes, no objection can be raised to this course which has indeed been followed in the past in regard to proposals made by the Inspector-General of Registration in this Presidency and bearing direct reference to the business of the Land Records department.

8. In paragraph 12 of its proceedings, the Board draws attention to the orders issued more than ten years ago which in this Presidency provide for the execution in Registration offices of transfers of revenue registry, and shows that increasing advantage is every year taken of this system, which is calculated to secure part of the object kept in view by the Government of India, namely, "the relief of the parties from the trouble and expense of appearance in two distinct departments in respect of one and the same transaction."

9. In paragraph 13 the Board refers to the extent to which action has been taken in the several districts for the purpose of securing agreement between ownership and revenue registry. The appendix to the proceedings would seem to show that action in this direction has been much more vigorous in some districts than in others, but the Government notes that the Board proposes to issue separate instructions on this subject and on cognate questions and will defer making further remarks until the receipt of the Board's more detailed views. It will suffice to say that in the opinion of Government no further steps need be taken for the reconciliation of ownership and revenue registry in this Presidency. The preparation of a record of rights would involve enormous expenditure and occupy many years and it is questionable whether such a measure could ever be carried out without decreasing the size of the Madras districts and materially strengthening the land revenue and judicial establishments. The records maintained in the Registration department are already for practical purposes a record of ownership except as regards petty transactions, and there can be in the opinion of Government no dispute as to the superior accuracy of registration records, maintained by educated men under a system which has been most carefully elaborated to prevent fraud and error, as compared with a record of rights kept by village karnams.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).
" the " " (Revenue Settlement, Land Records and Agriculture).
" the Inspector-General of Registration.
" the Public Works Department, with reference to paragraph 6.
" the Judicial Department.

Ekd. C. M. Brisson.

120-Copies.

1896.

DEPARTMENT OF REVENUE AND AGRICULTURE.

From

The Government of Fort St. George.

Recd. } 1896. *Enclosures*
Regd. } *Spare copies*

Letter No. 515, 8th October 1896.

OCTOBER.

Forwarding copy of proceedings of this Government embodying the views of the conference held with Sir E. Buck and the opinions of His Excellency the Governor in Council in regard to certain subjects.

63

491

No. 515, Revenue, 8th October 1896.

REVENUE DEPARTMENT.

From

G. STOKES, Esq., I.C.S.,
Ag. Secretary to the Government of Madras,
Revenue Department,

To

The SECRETARY to the GOVERNMENT of INDIA,
Department of Revenue and Agriculture,

Dated Ootacamund, 8th October 1896.

Sir,

In continuation of my letters Nos. 488 and 491, dated 24th September 1896, I am directed to forward a copy of the proceedings of this Government of this date embodying the views expressed at the conference held with Sir E. Buck in regard to the marginally-noted * subjects and the opinions of His Excellency the Governor in Council thereon.

Miscellaneons.

G.O., No. 514, dated 8th October 1896.

* (i) Elasticity in collecting land revenue.
(ii) The training of young civilians in the field.
(iii) The amalgamation of the Land Records and Registration departments.

2. I am to say that these proceedings and those forwarded with the letters just quoted contain the views of this Government in regard to all the matters which were referred for discussion with Sir E. Buck.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) G. STOKES,
Ag. Secretary to Government.

Exd. C. M. Brisson.

50 Copies.

22-1-13

69

42

Note A by Sir E. Buck on Registration and Land Records.

Read before the full Board of Revenue, Madras, at the conference of 14th December 1895.

In considering the Resolution of the Government of India (No. 20—353-1, dated 2nd October 1895) on establishing a connection between Land Records and Registration, it may be borne in mind that the Resolution is addressed to all Provinces of India, and that in the majority of those Provinces the Revenue Departments maintain, or more precisely, do their best to maintain, a complete record-of-rights. The recording machinery is being yearly improved and more closely inspected by supervising establishments of increasing competence. The record-of-rights is therefore becoming more and more trustworthy. As stated in the Resolution the confidence of the people in it increases accordingly; and as their confidence in it increases, they are more careful themselves to see that their rights and interests are accurately recorded in it. This is especially the case in the Punjab, where both karnams and revenue inspectors are better educated than in other Provinces of Northern India.

Now where so advanced a stage as this has been reached it is clear that there is nothing premature in considering whether the Revenue and Registration offices should not at once be brought into closer connection with the view of working gradually towards the end put forward by Sir Henry Maine of making the greatest possible use of the record-of-rights as a register for public entry of title.

But the case is different in Madras, and in that Province the step indicated by the Government of India may well be considered to be premature. The record-of-rights has apparently not yet been brought under any system which would ensure its being anything like a complete representation of existing ownership in land. If this be so, the possibility of utilizing it as a public register in which land-owners, either the possessors of rights and interests, or the Civil and Revenue Courts, could have any real confidence, is one which can hardly be contemplated for many years. The question put forward by the Government of India seems, therefore, to possess very subordinate importance at the present moment.

The questions which do appear to be of immediate importance are, whether, and to what extent, and how the existing record of persons responsible under the revenue law for the payment of revenue can be gradually improved into something like a real record-of-rights, *i.e.*, into a record of the persons who own rights and interests in the land on which the revenue is paid. It is a process which if set in motion must be slow and worked out with caution and proper restrictions, otherwise the revenue establishments would be embarrassed and the people themselves disturbed. In other words, though it cannot be deemed an impossible, it will be a difficult, task. The first step has already been taken in the more efficient organization of the land-record establishments, and in some districts, perhaps, an attempt might at once be made to bring the the record-of-right of selected villages and circles into something like order. This is a question of executive administration on which I cannot venture to advise, and I only bring forward the suggestion in order to explain (1) that perfection is not an immediate necessity, and that all that is wanted now is progress towards perfection; (2) that so far as the excellent work being done in

6

4

6486

the Registration Department can be utilized, it should be made use of in the construction of the record. The position seems to be this: until a record-of-rights has been framed or constructed no issue can be raised which would involve any modification of the present system of registration. If it be decided to establish a record-of-rights it will take many years to construct it. During those years the results of the registration system should be utilized in constructing it: when the record-of-rights has been *constructed*, the question will then come under consideration how it can best be *maintained* with the co-operating aid of both Revenue and Registration Departments.

It may interest the Madras Government to know that the object held in view, that of maintaining the record-of-rights as a register for public entry of title, was first suggested to the Revenue Department of the Government of India by Sir Charles Turner when Chief Justice of Madras. His suggestion having been made known to Mr. (now Sir C.) Ilbert, the latter produced the appended note by Sir H. S. Maine, in which the system is said to be adopted in the whole civilized world, except England, and to be the greatest legal discovery of the age.

A further question, admitted to be of importance in Madras, is, the possibility of extending a survey to the permanently-settled tracts. It may perhaps be suggested that one of the strongest arguments in favour of a survey would be the gradual establishment of a proper record-of-rights. This at any rate was the main object put forward 20 years ago in taking up the survey of the five permanently-settled districts of the North-Western Provinces and thereafter of Northern Bengal. In the North-Western Provinces, where the work has been completed, the results have been satisfactory, and the maintenance of a proper record-of-rights has effectively simplified the work of the Revenue and Civil Courts. In Bombay, where the question has been incidentally discussed, the proposition took the form of conferring absolute validity on the entry in the record-of-rights. It was rejected, and in this form rightly enough. No one could venture to place so much power as this proposal would involve in the hands of the subordinate officials. All that is done in other Provinces is to make the entry presumptive evidence of title, throwing the *onus* of proof to the contrary on those whose names are not entered.

Even if after many years the time should arrive that the public could place such confidence in the revenue record as to justify registration in any other record being made optional instead of compulsory, there would still remain work of considerable importance for a Registration Department to do. But may it not be left to the authorities of the time to decide how far and how the establishments should be then worked or interwoven? These are questions of detailed executive administration which, so far as they affect the Registration Department, cannot arise for some years. The most important issue which seems to call for decision now is one of principle, *viz.*, that of keeping in view, as an ultimate aim, the gradual perfection of the record-of-rights. So far as questions of executive administration arise, they seem to be for the present confined to the revenue side and to lie outside the Registration Department.

E. C. BUCK.

The 12th December 1895.

G. I. C. P. O.—No. 881 R. & A.—100.—1-1-96.—N. C. D.

66

43

NOTES OF CONFERENCE HELD WITH SIR E. C. BUCK, 14TH DECEMBER 1895.

PRESENT:

Sir E. C. BUCK, *Kt.*, C.S.I.

The Hon'ble Mr. C. S. CROLE, Acting First Member, Board of Revenue.

" " A. T. ARUNDEL, Acting Second Member, Board of Revenue.

" " J. STURROCK, Acting Third Member, Board of Revenue.

H. M. WINTERBOTHAM, Esq., Fourth Member, Board of Revenue.

L. M. WYNCH, Esq., Secretary to the Board of Revenue (Land Revenue).

~~Dewan Bahadur SRINIVASA RAGHAVAIYENGAR.~~

Read Government Order, No. 780, dated 29th November 1895, communicating letter from Sir E. C. Buck, *Kt.*, C.S.I., Secretary to Government of India, Revenue and Agricultural Department, on special duty, dated 20th November 1895, No. 12.

The first subject discussed was the question of elasticity in collecting land revenue. Sir E. C. Buck cited Government of India Resolution No. 15, dated 7th September 1895 (in Board's Proceedings, No. 5021, dated 7th October 1895) in explanation of the question at issue.

It was pointed out that the Board had no reason to believe that the system of collection in Madras was unduly rigid—or that land was passing to any great extent from the hands of agriculturists into those of non-agriculturists.

It was also pointed out that a deduction for vicissitudes of seasons of from 15 to 20 per cent. was made from the gross profits before the determination of the Government assessment.

The standing orders regulating the grant of remissions were then discussed.

Sir E. C. Buck observed that paragraph 4 of Standing Order, No. 33, seemed to be worded so as to deter Collectors from recommending remissions on dry lands, and that as the rules were all that the Government of India had before them it would be as well to explain that in practice such remissions are recommended and granted in exceptional circumstances, *e.g.*, in 1891 and 1892 in about six districts.

The rules laid down in the Famine Code sufficiently provide for the circumstances of a large tract affected by bad season being fully reported upon to the Board and Government. The questions to be considered in the Resolution seemed to be—

(1) Whether the rules provide that adequate consideration would be paid by District officers to claims for remission on dry lands extending over tracts not sufficiently large to come under the purview of the Famine Code.

(2) Whether they did not leave too much to the discretion of the Collector.

(3) Whether greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial loss.

1896
REVENUE D...
Enclosure No. 2
To Current No. 5488

67

2

II.

The next point discussed was the training of junior civilians in the field.

The existing rules (appended) were thought to be sufficient. It was however suggested that junior civilians might with advantage receive training in the Executive Engineer's office in estimating and plan drawing, in respect of elementary work, such as earth-work (for tanks) and simple masonry works, *e.g.*, sluices and culverts.

III.

Read Government Order, No. 5012, dated 12th December 1895, communicating copy of Government Order, Mis No. 4345, dated 1st November 1895, communicating Circular from the Government of India, Department of Revenue and Agriculture, No. 20—353–1, dated 2nd October 1895, as to the question of bringing the departments of Land Records and Registration into closer correspondence with each other.

Sir E. C. Buck opened the discussion by reading a note which he had written.

As to what is meant precisely by a record of right, Sir E. C. Buck referred the Board to the Acts of the North-west Provinces and the Punjab, especially the latter.

The Madras record is maintained under Regulation XXVI of 1802.

It was admitted that the Courts attached little or no weight to the entries therein and in consequence the village records have tended to become a mere record of the persons responsible for the payment of the Government revenue.

Allowing that no record of right (as understood in Northern India) is at present maintained in this Presidency, there is not at present that duality of system which the Government of India desires to see reduced to smaller dimensions. And the question of the further amalgamation of the department of Land Records and Registration is not one that requires immediate discussion.

The first question to be considered is—

How far is the record now maintained a record of ownership?

Sir E. C. Buck remarked that if there was any doubt about this it would seem desirable to institute some system of examination by which it could be ascertained whether the record was in accord with the facts or not.

2. If not, how best could a record of right be constructed and maintained from the existing records making the fullest use of the registration offices?

The following measures would if a record of rights were constructed and maintained seem to be necessary:—

(*a*) To make a judicial enquiry into the correctness of each entry as it now stands.

(*b*) To make it compulsory to describe lands in documents by their survey numbers.

(*c*) To maintain a record for every survey field in serial order.

N.B.—Whether this should be maintained in the Registration offices or by the karnams is a question for decision.

(*d*) To make it obligatory under penalty upon proprietors (1) either to report to the Revenue office transactions affecting land of less value than Rs. 100 or (2) to have them registered in the Registration office.

(*e*) That a judicial enquiry should be held upon such reports.

It was objected that a very large amount of extra work would be thrown on the Revenue Department (1) in the construction of the initial record; (2) in the maintenance of it. Also that the record would be of little use if encumbrances were not to be brought upon it.

L. M. WYNCH,
Secretary.

68

2

44

Extracts from the Indian Civil Service Manual.

Paragraph 12—*Assistants to be placed in entire charge of one or more villages.*—One or more villages near the chief town shall be placed under their charge, and they will be required to undertake their entire management and to keep the accounts of the same; their orders, until they pass by the lower standard, being subject to the Collector's confirmation. After a time the condition of these villages, their tenures, statistics, &c., shall be fully reported upon to the Collector.

Paragraph 40.—(1) Independently of the examination in survey which is prescribed for the higher standard in rule 22 *supra*, junior civilians must undergo a month's practical training in surveying, and no officer will be entitled to receive the increased allowance of a "passed assistant" until he has completed this practical course and received the required certificate.

(2) Survey schools, each lasting one month, are held at convenient centres during the months of May and June. The dates of opening and closing the schools and the places at which they are to be held are fixed by the Board of Revenue and notified for the information of Collectors early in April.

(3) The most suitable time for practical training in survey work will ordinarily be when an assistant has attained six months' standing. Before an assistant has reached that period of his service, he should submit a request to be attached to a survey party. The Collector will forward the application through the Superintendent, Revenue Survey, for the sanction of the Board of Revenue. The Superintendent of Survey in forwarding it will state to which school the assistant may, in his opinion, be most conveniently attached.

(4) On sanction being given for an assistant to join a survey party, his Collector will make arrangements to relieve him of his ordinary duties during the period of training.

(5) Assistants shall, on joining a survey party, report themselves to the Collector of the district where the party is working.

(6) Each survey school is superintended by the Survey officer in charge of the division in which the school is held.

(7) The course of instruction is as follows:—

(i) That prescribed for karnams which lasts about one week and comprises the use of the following instruments: chain, cross-staff, offset pole, plotting and offset scales, area square.

(ii) The additional course usually undergone by Revenue Inspectors comprising the use of the following instruments: prismatic compass, protractor, plane table, computing scale.

This course also lasts for about one week.

(iii) The use of the theodolite, vernier scale, diagonal scale.

While learning the use of the instruments mentioned above, the method of preparation and practical use of the following survey records and the means of testing their accuracy have to be thoroughly acquired:—

(1) Village maps, (2) field measurement book, (3) field register and (4) area list.

The Survey officer will take the class of junior civilians with him to one or more villages and examine the survey records on the ground on at least 15 days during the course of instruction.

(8) After an Assistant Collector has satisfactorily completed his prescribed course, a certificate in the Form A appended shall be prepared by the officer in charge of the party and forwarded for countersignature to the Superintendent of Revenue Survey whose duty it will be to satisfy himself, as far as possible, that the certificate is correct and that the time passed with the party has been profitably employed.

FORM A.

Certificate.

I, A. B., Deputy Superintendent of Revenue Survey, do hereby certify that Mr. C. D. of the Indian Civil Service has been attached to ——— Party for a period of ——— from ——— to ———, during which time he has accompanied me on ——— occasions when engaged on field work survey and that he has acquired a fair knowledge of the operations of survey and of the orders relating thereto.

(Countersigned) X. Y.,
Supdt. of Rev. Survey.

(Signed) A. B.,
Dy. Supdt. of Rev. Survey.

(9) The Superintendent of Revenue Survey will forward to the Board of Revenue, for submission to Government, an annual return of all certificates granted to Assistant Collectors during the previous official year. The return will be in the Form B appended and should reach the Board not later than the 1st of June of the year following that to which it relates.

69

FORM B.

STATEMENT of certificates granted by Superintendent of Revenue Survey to junior civilians who have been attached to his department during the year ending 31st March 189 .

Number.	Name of junior civilian.	Appointment held by junior civilian.	To what party attached.	Name of Deputy Superintendent.	Date of issue of certificate.	Remarks.
1	2	3	4	5	6	7

(Signed)

Superintendent of Rev. Survey.

70

45

Note **B** *by Sir E. Buck on Registration and Land Records.*

1. Note A was written before the discussion on the subject was held on the 14th December and was read before the full Board of Revenue on that date. The present remarks are offered with the view of assisting to clear some of the issues raised during the discussion of the 14th December.

2. My own position is this:—Although I have advocated the maintenance of a record-of-rights elsewhere I do not pretend to be able to advise the Madras Government that a complete record-of-rights should be maintained in the Presidency; I only desire to show that the question put forward by the Government of India in the Resolution No. $\frac{20}{353-1}$, dated 2nd October 1895, of bringing the Registration and Land Record (Revenue) Departments into closer connection cannot be logically taken up unless it is decided that the Revenue Department is to maintain a record-of-rights.

3. The *maintenance* of a record-of-rights must be preceded by the *construction* of a record-of-rights. In the Northern Provinces the construction of the record was, until recent years, usually effected at the time of revision of settlement and maintained thereafter by the land record establishments (karnams and revenue inspectors, etc.,) acting under orders of Judicial Courts. But recently the initial record has been constructed by the Land Record Departments in anticipation of the arrival of the Settlement Officer.

4. In the Punjab Revenue Law which was framed by a strong Committee of land-revenue experts, some trouble was taken to make clear the relation between the record-of-rights made at settlement and those maintained by revenue officials before and after settlement. This was necessary because hitherto undue reliance had been, in the Civil and Revenue Courts, placed on the particular record drawn up at the time of settlement. At one period, no doubt, it was the only record-of-rights to the construction of which particular attention had been paid, and therefore deserved special confidence. But as time went on, the entries annually made one by one in the record, after deliberate enquiry under the judicial decision of the Revenue Courts, began to assume a stronger position than the entries made simultaneously after a necessarily hurried investigation by the Settlement Officer. It was, therefore, declared in the law that the record-of-rights constructed by the Settlement Officer was only to be looked upon as one of the annual editions of the record-of-rights, and not as a separate charter of rights to which peculiar importance was to be attached. What was wanted was a record continuously maintained of concurrent rights. Not a record of past or obsolete rights.

It is probable that in Northern India the Settlement Officer will as time goes on have nothing to do with the record-of-rights. He will accept the edition of the record put into his hands by the Land Record Department when he enters the district.

5. It has been found in other Provinces that where for some time no stringent measures have been taken for bringing the record-of-rights into accordance with facts, the construction of a revised record is not a simple matter. Special establishments have to be provided, and the expenditure of much time and money is involved. I cannot venture to surmise what difficulties the operation, if undertaken in Madras, would entail. The proprietary rights in the North-Western Provinces, the Punjab, and the Central Provinces are possibly less complicated than in Madras. In the North-Western Provinces the majority of the ryots have no transferable rights; in the Punjab there are few ryots, and the rights and interests of the members of proprietory communities have always been to a material extent recorded. In the Central Provinces power to transfer rights and interests was accorded at a comparatively recent date. From what I have learned the task in Madras would not be a light one.

6. The difficulties entailed in the initial construction of the record are considerably enhanced, (1) if the rights and interests of every member of a Hindu family are recorded; (2) if every encumbrance, however trivial, is entered.

271

It may not be necessary, however, when the first draft is made, to attempt any complete statement under either (1) or (2). It would possibly be more convenient to begin with a record showing (1) heads of families and the simpler cases of sub-division; and (2) admitted encumbrances, including those contained in the Registration Office books. The record is not intended within any measurable period to confer absolute validity of title. It is only to convey a presumptive proof of the facts entered in it. The facts entered are, in the case of dispute, recorded after judicial enquiry, and therefore may be presumed to hold, as far as they go, a stronger position than facts alleged by parties applying to a Registration Office; and the circumstance that a certain number of facts are not recorded does not invalidate the presumptive accuracy of those that are recorded. Thus, if in the initial preparation of a record-of-rights A and B, the heads of two families are recorded as owners of equal shares in L, a given parcel of land, A's share being entered as mortgaged to C, the entry does not defeat either the right of any members of the families to share under A and B, respectively, or the right of a mortgagee D to claim entry of an encumbrance on B's share. When the maintenance of a record-of-rights has been undertaken the intention is to bring it, as time goes on, into full accordance with facts; but it is well understood that perfection can only be approached by gradual steps. The main object of the record is to simplify commercial transactions and to minimize legislation and that object is more fulfilled or less fulfilled as the record contains more or less judicially attested facts.

7. The question of the extent to which the record-of-rights should be made to record encumbrances is one which is coming up in other Provinces in which the record has been constructed and is being maintained. The results of the conferences on this question will, if wished, be communicated to the Madras Government. But, as explained in the preceding paragraph, it does not follow that because some encumbrances may be omitted the record is not of considerable use. Strong evidence on the utility of the record as constructed and maintained in the permanently-settled districts of the North-Western Provinces, where it does not pretend to embrace all encumbrances can, if desired, be submitted to the Madras Government. It was called for from Civil Judges and others when the question of making a record-of-rights in Bengal was under consideration.

8. Two suggestions were discussed at the meeting of the 14th December, one to bring the maintenance of the record under the Registrars, the other to commit it to the Karnams. Except in Bengal itself, where there are no Karnams, the latter course, as by far the most convenient, is the one adopted in the Provinces of Upper India. But in considering the issue it may be borne in mind that the value of the entry depends on a judicial order in all cases where the entry is challenged rather than upon the agent, whether Karnam or Registrar, who writes it down. As it is the Karnam's entries are checked by the inspection of Revenue inspectors, but in any case the original orders are kept at the Tahsil. The Karnam's book is the index. If the record is maintained by Karnams, then it is probably simpler to enforce by legislation entry of transfers of all values, *i. e.*, below as well as above R100 in the revenue record, rather than to expand the present registration law for the compulsory registration in a Registration Office of transfers affecting properties less than R100 in value.

9. The question was raised in the discussion of the 14th December whether Sir Henry Maine really contemplated that the revenue land record should be the register of rights and titles in land. It was suggested, I think, that the index of the Registration Office would more nearly comply with his intentions. The following quotation however from his note seems to indicate clearly that he had the village record in view as the public register to which he referred:—

"It is notorious, however, that in India the remnants of the primitive methods of public transfer survive in unusual abundance, and they are, in fact, the basis of our revenue system. Under such circumstances, I cannot but consider that it would be a retrograde step to give in India any further extension to the now purely English system of private transfer, or to establish it as the normal system of the country. I am at the same time aware that, owing to the decay of the village organisation in Lower Bengal, and to the peculiarities of the Revenue settlement, the above remarks are less true of that province than of other parts of the country, and I may observe that, when I originally suggested to the Indian Law Commissioners that the draft of a measure for the transfer of immoveable property should be prepared, I recommended that its operation should be confined to Lower Bengal."

272

It may be added that the entries in a Registration Index form a less valid and complete record than those in the revenue record-of-rights, because—

(1) in the former the correctness of alleged facts is not strengthened by the judicial enquiry which precedes the record of transfers in the latter;

(2) the facts relating to the ownership of land which has not been the subject of transfer do not come into the Registration Index at all.

10. Nothing suggested in this note indicates present interference with the functions of the Registration Department. The survey of rights and interests in land would be maintained up to date by the Revenue Department with the supplementary assistance of the Registration Department, just as the survey of fields and field areas is to be maintained to date with the supplementary assistance of survey officers. The question indeed was raised during discussion whether the utility of the Registration Department might not be at once enhanced by bringing under compulsory registration encumbrances of a certain class which did not involve transfer of possession, but this suggestion, if carried out would enhance and not diminish the functions of the Department.

11. I venture to suggest that before the questions dealt with in connection with Registration and land records are finally dealt with by the Madras Government, I should be permitted to send for information such facts and opinions as I may be able to collect in other Provinces as to the extent to which encumbrances and subordinate rights are or ought to be included in the record-of-rights.

E. C. BUCK,—16-12-95.

G. I. C. P. O.—No. 862 R. & A.—1-1-96—J. W. DeB.

73

47

Note on amalgamation of Land Records and Registration Departments by Sir E. Buck, dated 14th February 1893, indicating results of discussions in Assam and Bengal.

1. The immediate object of the Government of India Resolution No. $\frac{20}{353-1}$, dated 2nd October 1895, is that an opening should be given to the Land Records Department to suggest any reforms which may from time to time appear desirable in the direction of utilizing the land records as far as it may be convenient or advisable to do so for purposes of registration of title.

2. Whether or not it may be convenient or advisable in any particular Province to make any change in the existing system or practice in connection with either the Land Records or Registration under Act III of 1877 is not for the Conferences to consider. So far as any examination of the present system may be, or has been made, it can only be made with the object of forming a general opinion as to the possible utility of carrying out the suggestion of the Government of India that, in order to give the opening indicated in the preceding last paragraph, the control of the Registration Department should be transferred to the Land Records Director.

3. The object in view would however seem to be sufficiently attained for present purposes if the Director be permitted to receive copies, annual or other, of important reports or proposals from the Registration Department with authority to submit thereon such suggestions and comments as may occur to him for the consideration of the Board of Revenue and of the Local Government in connection with the questions raised by the Government of India Resolution No. $\frac{20}{353-1}$, dated 2nd October 1895, *i.e.*, in the direction of making a fuller use of the land records in respect to registration of deeds or titles.

4. The proposal embodied in paragraph 3 has been adopted in Bengal and *mutatis mutandis* in Assam. It has the advantage of avoiding on the one hand any dislocation of existing arrangements, and on the other any material discussion of the existing systems of land records and registration.

E. C. BUCK.

G. I. C. P. O.—No. 1167 R. & A.—13-2-96.—50.—R. N. D.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—Government Order, Press No. 780, Revenue, dated 29th November 1895.

ABSTRACT.—Letter from the Government of India forwarding a memorandum summarizing the remaining questions to be considered in connection with the Agricultural Conference Proceedings of 1893, communicated to the Board of Revenue, with remarks.

READ—again Government Order, Mis. No. 5012, Revenue, dated 12th December 1895.

ABSTRACT.—Directing, in modification of Government Order, No. 4345, dated 1st November 1895, that the subject of bringing the Land Records and Registration Departments into closer correspondence with each other should be discussed with Sir Edward Buck by the Full Board and the Inspector-General of Registration.

RESOLUTION—No. 327, dated 28th August 1896.

The Board begs to submit herewith a memorandum of the discussion held with Sir Edward Buck on the marginally-noted subjects referred for the consideration of the Full Board in the Government Orders read above.

I.—Elasticity in collecting land revenue.
II.—Training of junior civilians in the field.
III.—The amalgamation of the Land Records and the Registration departments of Government.

2. *I.—Elasticity in collecting Land Revenue.*—It will be seen from the memorandum that the only points on which information is required to be furnished by the Board on this subject are the following :—

(i) Whether remissions on dry lands are recommended and granted in exceptional circumstances and whether the rules provide that adequate consideration should be paid by District officers to claims for remission on dry lands extending over tracts not sufficiently large to come under the purview of the Famine Code ;

(ii) whether the rules do not leave too much to the discretion of the Collector; and

(iii) whether greater latitude should not be allowed in granting wet remissions so as to provide for remissions in case of partial loss.

3. On the first point, Standing Order No. 23 provides that no remissions of assessment on unirrigated lands will be granted unless in very exceptional years or under very exceptional circumstances and with the previous sanction of the Board. This rule is based mainly on the considerations that assessment on dry lands is on the average very low and that in calculating the settlement rates a deduction of from 15 to 25 per cent. has been made on account of vicissitudes of season and the inclusion of unprofitable areas in the holdings. In practice, dry remissions have been granted on waste and on withered crops and in cases of short produce even where the failure of crops was not such as to call for measures of famine relief. This will be borne out by the marginal statement which exhibits the amount of dry remissions granted during the last 15 years in famine and non-famine tracts.

Faslis	Amount of remission granted		
	in famine tracts.	in non-famine tracts.	Total.
	Rs.	Rs.	Rs.
1291	..	2,07,588	2,07,588
1292	..	17,961	17,961
1293	..	..	..
1294	8,55,781	49,878	9,05,659
1295	..	1,059	1,059
1296	..	36,288	36,288
1297	..	..	..
1298	3,211	76,034	79,245
1299	..	..	..
1300	65,795	17,450	83,245
1301	10,34,033	..	10,34,033
1302	..	58,698	58,698
1303	..	..	..
1304	..	..	..

4. The principles by which the Board is guided in the grant of such remissions are explained in the Board's Proceedings recorded in Government Orders, No. 780, dated 2nd April 1879, No. 262, dated 6th March 1882, No. 393, dated 17th April 1882, No. 1302, dated 22nd November 1882, and No. 305, dated 19th March 1887, and are briefly stated below :—

No remission is granted in tracts or villages in which the average crop is 6 annas or more, a normal crop being taken at 12 annas or three-fourths of the highest standard. When the crop is less than 6 annas remissions are granted at varying rates at the discretion of the Board :—

(*a*) When the crop is between 6 and 4 annas, at 25 or 50 per cent. according to the degree of distress prevailing in the affected tracts ;

(*b*) when the crop is between 4 and 2 annas, at 50 or 75 per cent. ; and

(*c*) when it is less than 2 annas, 85 per cent. or full remission. Full remission is also granted on *waste* where the cultivated lands of individual ryots have yielded less than a 6-anna crop, but if they have yielded more, the assessment of only such waste as is not usually left fallow or reserved for pasture is remitted.

5. The figures given in paragraph 3 show that remissions are granted on dry lands in exceptional cases, but the wording of Standing Order No. 23 precludes Collectors from asking for the Board's sanction to such remissions unless the circumstances are very peculiar. It is generally supposed by District officers that distress deepening into famine will alone justify an application for dry remission, and it is to be feared that a too strict interpretation of the rules may cause a good deal of hardship. But the Board considers that the principles enunciated in the papers quoted in the last paragraph are sound and would more especially invite attention to the full explanation of the Madras system given in the Board's Proceedings, under Government Order, No. 780, dated 2nd April 1879. It was then said :—

"On dry lands individual remissions are not given. The State does not step in to prevent a man from passing from the condition of a petty proprietor (or occupier) on his own account to that of a laborer. If accident, such as loss of cattle, impecuniosity, &c., prevents an individual in an ordinary year from cultivating, his case must take its course. But if there is so general a failure of rain, so great a blight, or other natural visitation over a tract as to render it desirable from public rather than individual considerations that the revenue demand should not be pressed in full, or should be remitted altogether, the partial or entire remission deemed necessary is given over the distressed tract, and the advantages are shared rateably by all alike. It is considered better for the general interests of the people and Government that, if the outturn over a tract is quite insufficient to meet the demands of a year, small accumulations of capital, if such exist, should not be sought out and absorbed to meet the deficiency. Absence of capital has probably been amongst the causes that have led to the distress, or at any rate weakened the people's power of resistance. To hold what little capital may be accumulating liable for the year's demand in a season of scarcity is at once to intensify the distress and render its recurrence and ultimate loss of revenue in consequence more probable and more serious ; and so remission is allowed not to keep a pauper ryot from throwing up any field or fields that ordinarily he cannot make profitable and meet the revenue demand upon, but because, 1stly, it is considered that the general failure of the particular season over the particular tract entitles each of the ryots therein, whether he be poor or whether he be rich, in his position as a Government tenant to consideration at the hands of Government as his landlord ; and, 2ndly, it is thought better to relax the demands in an exceptionally hard time, so that the resources of the tract may not be unduly crippled or capital unduly trenched on."

6. The Board is however prepared to amplify Standing Order No. 23 so as to make it clear that dry remissions may be recommended even in years when no wide-spread distress is anticipated. There appears to be no reason for advocating a departure from the principle that individual losses should not be estimated. The case of dry lands differs from that of wet areas, in which the State is responsible for the supply of the necessary water. The failure of crops on dry lands is either due to seasonal causes or to the ryot's neglect. The latter cause does not entitle him to any consideration at the hands of Government, and the former must, as a rule, have affected his neighbours in the same measure as himself. It is therefore reasonable that concessions should be calculated for a tract and not for individual fields. But the Board believes that the stereotyped deduction made in the settlement calculations for vicissitudes of season does not always afford the necessary relief. It acts as a *bonus*

on fertile lands and helps but little the ryot who owns the poorer soil. This remark applies with equal force to wet lands.

7. On the second point the Board begs to state that as the affected parts are, as a general rule, promptly inspected by the Commissioner of Revenue Settlement and Agriculture, the question of the grant of dry remissions is not wholly left to the discretion of the Collector.

8. On the third point the Board observes that in seasons of short water-supply or insufficient rainfall ryots are encouraged to sow dry crops on their wet lands and are granted a remission of the difference * between the dry and wet assessments, and that in cases where the ryots sow wet crops and reap not more than a 2-anna crop full remissions are granted. Under recent orders of the Board both classes of remissions are also granted on portions of survey fields.† Having regard to the above facts and to the allowance of from 15 to 25 per cent. made on account of vicissitudes of season and unprofitable areas in determining the settlement rates of assessment, the Board has not hitherto considered that any further concessions are called for. The question of remissions is dealt with by the Settlement Commissioner.

	Rs.		Rs.
* Fasli 1290 ..	1,02,610	Fasli 1298 ..	99,279
,, 1291 ..	1,20,076	,, 1299 ..	57,744
,, 1292 ..	1,04,943	,, 1300 ..	3,24,987
,, 1293 ..	90,195	,, 1301 ..	4,55,973
,, 1294 ..	1,82,156	,, 1302 ..	2,27,666
,, 1295 ..	1,13,749	,, 1303 ..	64,738
,, 1296 ..	78,471	,, 1304 ..	1,54,122
,, 1297 ..	67,749		

† Board's Proceedings, No. 161, R. S., dated 8th July 1896.

9. *II.—Training of Junior Civilians in the field.*—Next, as regards the training of junior civilians, it will be seen t[he] the rules on the subject are appended to the memorandum of the notes of conf[erence]. The Board would also invite attention to Board's Proceedings, Nos. 630 an[d] dated 16th July and 26th September 1888, respectively [a]nd to Mr. Nicholson's [r]inted at pages 67 and 68 of the Proceedings of th[e] gricultural Conference [at] at Simla in 1893. The Board sees no objection t[o] e adoption of the st[ep] tion that junior civilians should receive training in [the] Executive Engineer's [o]ffice in estimating and plan-drawing and in respect of e[arth] tary work, such as earthwork (for tanks) and simple masonry works, *e.g.*, sluices a[nd] lverts.

10. *II—* *malgamation of the Land Records and the Registration Department of Governme[nt].*—The Government of India enquires whether the Registration and Land Records establishments may not be placed under the same responsible head with a two-fold object, viz.—

(1) in order that the Registration Department which registers assurances or evidence of titles and the Land Record department which registers titles to revenue-paying lands may be brought into closer correspondence with each other, so that by perfecting the registration of rights in the Land Records he may make it possible to contract the limits within which the registration of assurances is compulsory ; and

(2) that parties may be relieved, as far as possible, from the trouble and expense of appearing before two distinct departments in respect of one and the same transaction.

11. The above proposal involves the consideration of the several questions specified in the memorandum of the notes of the conference, but from the subsequent correspondence with Sir Edward Buck the Board understands that the original intention has since been modified and that it is not the desire of the Government of India that any change in the existing system should be considered. In a note written on the 13th February 1896 Sir Edward Buck says :—

"The object in view, ... would seem to be sufficiently attained for present purposes if the Director be permitted to receive copies, annual or other, of important reports or proposals from the Registration Department with authority to submit thereon such suggestions and comments as may occur to him for the consideration of the Board of Revenue and of the Local Government."

To this suggestion the Board believes that no objection can be raised. Sir Edward Buck adds that it is intended to avoid "on the one hand any dislocation of existing arrangements, and on the other any material discussion of the existing systems of Land Records and Registration."

12. The Board is therefore precluded from discussing the proposals and would merely invite attention to the action taken in 1885 with a view to bring the Land Records and the Registration departments into closer correspondence with each other. In the order read in Board's Proceedings, No. 844, dated 13th March 1885, the Government directed that whenever an instrument involving transfer of possession of lands was presented to a Sub-Registrar he should ask the parties whether they desired to have transfer of revenue registry effected at the same time, and, if they consented, he was directed to allow them to execute before him, on printed forms supplied for the purpose, the necessary application to the revenue authorities and afterwards transmit it to the Tahsildar concerned. This order has been in force since 1885–86 with this modification, viz., that even when one of the parties — say, the transferer—subsequently recedes, the application should be disposed of under paragraph 3 (*a*) of Standing Order No. 20 as if it were made only by the transferee—*vide* paragraph 7 of Board's Proceedings, No. 314 of 24th July 1894. It will be seen from the marginally-noted figures comparing the total number of applications dealt with by the Revenue officers with the portion thereof presented through the Registration Department, that the above system has been finding favour with the people.

Fasli.	Total number of applications.	Number presented through Registration officers.	Percentage of column 3 to column 2.
1297	125,965	40,455	32·1
1298	130,312	42,340	32·5
1299	131,998	46,676	35·4
1300	132,701	50,254	37·9
1301	117,817	48,018	40·8
1302	127,658	56,654	44·4
1303	114,563	52,637	45·9
1304	110,037	50,886	46·2

13. Of the three classes of transfers dealt with in the rules for the transfer of registry of holdings embodied in Standing Order No. 20, it is only in cases of transfers by succession that Revenue officers are expected to take action on their own initiative immediately after the occasion for the transfer arises. In the other two classes of cases, transfer of registry is made only on the application of one or both of the parties; and where no such application is presented action is taken by the Revenue officers only after the alienee has been in possession of the property for twelve years from the date of the alienation or court sale. The extent to which action has been taken in this direction is indicated in the appended statement; the considerable variations between the number disposed of in the several districts have been ascertained to be due to the varying efforts made by Revenue officers of their own accord to secure agreement between ownership and revenue registry. Instructions will be separately issued on this subject and on the cognate question whether even in cases where the alienees, *e.g.*, by court sales, have been in possession for a smaller period than twelve years, Revenue officers may not take action of their own initiative in view to the transfer being registered, if it is found on enquiry that neither of the parties objects thereto. The facts mentioned above and in the preceding paragraph will show that attempts are being made to secure agreement between ownership and revenue registry so far as is possible without leading ignorant villagers to suppose that a new departure has been taken in the matter of registering titles.

14. On the suggestion referred to in paragraph 11 above, the Board begs to state that it is already consulted by Government whenever any proposals are made by the Inspector-General of Registration which have any reference to Land Records; and it welcomes the proposal that the Inspector-General should transmit copies of the reports on the operations of the Registration Department for its information inasmuch as the Settlement Commissioner will thereby be afforded an opportunity of offering his views on the suggestions or inferences made by the Inspector-General of Registration in regard to the economic condition of the country and of supplementing the same in the light of the information furnished in the returns of agricultural statistics compiled and reviewed in the Board's office.

15. The delay in the submission of this report is regretted. As already stated in the telegram sent to Government with Board's Proceedings, No. 1990, dated 22nd July 1896, it is due to the fact that the Board has been awaiting the receipt of a

detailed note from the late Inspector-General of Registration. This note was promised in January last, but has not as yet been received from him, though the Board has recently been furnished by the present Inspector-General with an incomplete copy of the same. Diwan Bahadur Srinivasa Raghava Aiyangar has again promised to send in his note with final amendments, but the Board is not prepared to defer any longer its reply to the order of Government. The note will be submitted to Government on receipt.

(True Copy and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department, with
copies of the minutes of conference and Sir Edward Buck's notes
and with spare copies of Board's Proceedings, No. 630,
dated 16th July 1888 and No. 835, dated 26th September 1888.

APPENDIX.

Districts.	Faslis. 1298.	1299.	1300.	1301.	1302.	1303.	1304.	Total.
Ganjám	..	..	..	..	..	3	6	9
Vizagapatam	2	..	1	..	..	..	..	3
Godávari	..	162	207	143	247	267	354	1,380
Kistna	..	..	..	..	..	..	..	..
Nellore	1	..	..	..	..	..	..	1
Cuddapah	7	62	..	18	294	107	253	741
Anantapur	1	2	122	142	66	69	222	614
Bellary	30	73	41	55	357	48	51	650
Kurnool	..	..	4	45	26	64	14	153
Madras	..	..	..	..	..	..	..	..
Chingleput	..	18	27	76	51	33	33	238
North Arcot	9	4,303	1,400	5,258	2,363	1,755	685	15,773
South Arcot	3	..	63	..	..	311	49	426
Tanjore	3	16	33	150	76	286	3	547
Trichinopoly	16	33	52	1,006	67	74	..	1,247
Madura	..	2	..	..	14	6	18	40
Tinnevelly	73	79	70	92	166	7	4	491
Coimbatore	122	342	268	241	677	2,065	1,306	5,071
Nilgiris	..	1	3	8	9	9	..	30
South Canara	5	..	..	..	..	221	759	985
North Canara	64	474	122	88	97	282	129	1,256
Total ..	335	5,567	2,403	7,822	4,500	5,582	3,946	29,655

Exd. J. P. Oliver.

REVENUE DEPARTMENT.

1896.

Board of Revenue

(Land Revenue),

MADRAS.

814

Printed September th.

Proceedings, No. 327, 28*th August* 1896.

Submitting a report on the conference held with Sir E. Buck on certain subjects referred for the consideration of the Full Board and regretting the delay in the submission of the same.