Revenue (1897) Department.

PRESS SERIES.

G.O., No. 586

Dated 1st September 99

[Despatch Abstract.]

Informing certain associations of the missionaries that the Govt. is not prepared to make any change which would authorise assignment without its previous sanction of any mark lands otherwise than in accordance with the Darkhast Rules as they now stand and that a departure from these rules must be made only in special and exceptional circumstances: and directing the Collector of Kaira to make an addition to Standing Order No 20 of 1894 by inserting the right of Govt. to depart from the Darkhast rules

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	2237	Rev	23 9/95				

dated 31st July

Government (1899) of Madras.

REVENUE.

Recd. } 1899. *Enclosures*

Regd. *Spare copies*

G.O., No. 586, 1st September 1899.

SEPTEMBER.

Darkhast Rules

Informing certain associations of the missionaries that the Government is not prepared to make any change which would authorize the assignment without its specific previous sanction of any waste lands otherwise than in accordance with the — as they now stand, and that a departure from these rules will be made only in special and exceptional circumstances; and directing the Board of Revenue to make an addition to Standing Order No. 30, expressly asserting the right of Government to depart from the darkhast rules.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—memorial from Rev. T. P. DUDLEY, Secretary, Madras Missionary Conference, dated 1st February 1898.

ABSTRACT.—Praying for an amendment of the existing rules for the assignment of waste lands to enable missionaries to found Panchama settlements.

READ—memorial from Rev. W. H. FINDLAY, M.A., Honorary Secretary to the South Indian Missionary Association, Karúr, Coimbatore district, dated 14th February 1898.

ABSTRACT.—Submitting a memorial from the South Indian Missionary Association requesting that the darkhast rules may be modified to provide for the assignment of waste land for formation of Panchama settlements under suitable management.

ORDER—No. 586, Revenue, dated 1st September 1899.

Miscellaneous.

The Government has carefully considered these memorials and is not prepared to make any change which would authorise the assignment, without its specific previous sanction, of any waste lands otherwise than in accordance with the darkhast rules as they now stand. It has the right to depart from the darkhast rules whenever it may consider it necessary in the public interest to do so, but will act on such right only in special and exceptional circumstances.

2. The Board of Revenue will submit, for the orders of the Government, all cases in which a departure from the rules (otherwise than under the sanction of rule 9) appears to the Board desirable on grounds of good policy.

3. The Government is of opinion that its right to depart from the darkhast rules should be expressly asserted in the Board's Standing Order No. 30, and directs the addition of the following as a new paragraph No. 9-A after paragraph 9 :—

"Nothing contained in these rules shall be held to debar the Government from disposing of assessed waste lands otherwise than under these rules at its discretion as heretofore."

(True Extract.)

(Signed) H. TREMENHEERE,
Ag. Secretary to Government.

To the memorialists (paragraphs 1 and 2 only).
" the Board of Revenue (Land Revenue).

Exd. W. D'Moss.

35 Copies.

... dated 31st July ...

REVENUE DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 586, REVENUE, DATED 1ST SEPTEMBER 1899.

[SUBJECT.—*Regarding assignment of waste lands otherwise than in accordance with Darkhast rules.*]

Memorials from the Madras Missionary Conference, dated 1st and 14th February 1898.

To Secretary—

Paragraph 8 of the Board's Standing Order No. 30, which lays down rules for the disposal of assessed waste lands, runs as follows :—

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

* * * * *

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

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

2. Paragraph 3 (3) of the special rules for the Chingleput district gives preference to a mirasidar before a pattadar who is not a mirasidar. Hence four classes of privileged persons have to be consulted before lands can be given to strangers as shown below :—

(*a*) a mirasidar of the village whose land adjoins ;
(*b*) any other mirasidar of the village ;
(*c*) a non-mirasi pattadar of the village whose land adjoins ; and
(*d*) any other non-mirasi pattadar of the village.

3. In the first paper, the Madras Missionary Conference points out that the recognition of a preferential right in the manner set forth above prevents the acquisition of any land by members of the Pariah or Panchama class, who generally hold no land in the village, and solicits a modification of the rules.

4. The disabilities of this class of people received careful consideration at the hands of Government in 1892 and in G.O., No. 1010, dated 30th September 1892, the Collector of Chingleput was instructed to assign to members of this community lands bought in for Government at sales for arrears of revenue. In the disposal of waste lands, which were recently brought under irrigation in the Kistna district, the claims of this class received attention as will be seen from G.O., No. 732, dated 17th October 1894. In these two cases the Government has recognised no preferential right on the part of the pattadars of the village. For, in the former, the right has been extinguished by the purchase of the occupancy right by Government and in the latter, a moderate but sufficient area being reserved for free distribution among them, they cannot object to the disposal of the remainder to strangers. The Missionary Conference requests that Government may go a step further and modify the rules (apparently) so as to abolish the preferential right in the ryots.

The Chingleput rules are quite special. G.S.F.

Vide paragraph 6 *infra* towards the close.

5. The rule that waste land in a village should not be given to a stranger, until it is first offered to and refused by the pattadars of the village, is an old rule, regarding which reference is solicited to the note printed on pages cclviii to cclxiv of the "forty years' memorandum." The mirasidars in the Chingleput district claimed the right to keep waste lands uncultivated themselves and opposed attempts to find other ryots to cultivate them. Government repudiated this right in the interests of revenue and of the general public; but was willing to acknowledge the mirasidars' right so far as to give them the refusal before granting waste land to strangers. The rule was thus passed in the spirit of a compromise, and good policy required that it should be extended to all pattadars, whether old mirasidars or not. It was recognized so early as 1841 in the despatch of the Court of Directors, dated 28th July 1841, in which it was stated: "We consider that the Government has a clear right to the revenue to be "derived from the conversion of waste lands into arable, but we, at the same time, "think it preferable that this object should be obtained, whenever practicable, without "the intrusion of strangers into the village community." The same view was reiterated in later despatches, dated 3rd July 1844 and 17th December 1856; and has been acted upon and acquiesced in ever since.

6. In 1856 a proposal to sell waste lands by auction was made but was rejected as opposed to the interest of the village communities. The suggestion was renewed in 1860, and though it met with the same fate, an important exception was allowed, namely, that when irrigation was supplied to a village, of which the ryots were neither numerous nor well-to-do, the Government could set apart as much land as they could occupy and sell the remainder to strangers. This view met with the approval of the Secretary of State. The waste lands newly brought under irrigation in the Kistna and Madura districts are disposed of on this principle. The system of auction sales is no doubt an infringement on the rights of the village community; but it is an exceptional case and the infringement is justified by the superior interests of the State in recouping its expenditure on irrigation projects from the sale-proceeds of waste lands benefited by them. A moderate but sufficient area is, however, reserved for free distribution among the ryots.

Vide précis in paragraph 6, on page 46 of G.O., No. 153, dated 15th February 1892. Also G.O., No. 1545, dated 7th September 1860.

Printed in G.O., No. 971, dated 30th April 1861, paragraph 4 of the Despatch.

Not *rights*, only privileges as against Government.

G.S.F.

Paragraph 6 of Government of India letter in Board's Proceedings, No. 632, dated 3rd November 1892.

7. Except as shown above, no exception has been allowed to the rule that the ryots of a village should be preferred to strangers. The Standing Order contains two or three rules which do not affect this rule, though at first sight they may appear to conflict with it. For instance, clause (1) of paragraph 8 prefers the holders of a tree patta or the owner of a well to other applicants; but they are among the pattadars. Clause (2) gives preference to an applicant for a whole survey field before one applying for a portion only. The former may be a stranger; but if a pattadar be found willing to take the whole field, the case will fall under clause (3) and the land will be assigned to him. The first rule under clause (3) directs that the application of "a pattadar of the village whose land adjoins" should be granted first. But he is a pattadar, not a stranger. Paragraph 9 of the Standing Order states that the rules laid down in paragraph 8 "are general rules, and may "be departed from in special cases when considerations of equity require it." The germ of this rule is to be found in certain exceptions proposed by Mr. Farmer in a draft of the rules which he proposed to issue for the guidance of village and taluk officers. The Board of Revenue considered it inadvisable to enumerate the exceptions and observed that it was sufficient

On page 4 of Board's Proceedings, No. 1943, dated 1st September 1886.

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to state in general terms that considerations of equity might authorise a departure from the rules in special cases. Rule 8 on page 16 of Board's Proceedings, No. 1943, dated 1st September 1886, was accordingly inserted by the Board, and this now appears as paragraph 9 of Standing Order No. 30. The Board's Proceedings was recorded by Government; and no reference was made in the office-note to the additional rule made by the Board. It is submitted that, if this rule means that a stranger may be preferred sometimes, it is *ultra vires* and is opposed to a right recognized by this Government and the Secretary of State.

It is not *ultra vires*. The disposition of unoccupied land has always vested in the sovereign by the ancient common law of the country. I do not understand how a suit would lie or a cause of action be found for a suit against Government—certainly outside Mirasi villages.

G.S.F.

I agree.

H.W.
17-6-99.

And I.

A.T.A.

8. The question for consideration is whether for the benefit of a class, the Government is prepared to strike out what in the words of the 'Forty years' Memorandum, "has now become a part of the "common law of the country, even if it "was not so before".

Admits it was not the ancient law.

G.S.F.

9. Paragraph 13 of the memorial points out that in G.O., No. 796, dated 1st June 1870, the Government asserted its right to appropriate waste lands for State purposes, and contends that to raise the depressed Panchama classes is a State purpose, and that waste lands may therefore be assigned without reference to pattadars. Whether this contention be accepted or not, it will be observed from the second sentence of paragraph 6 of the Government order quoted that the right was not claimed in the case of lands required for cultivation.

Not at all! When the lands are required for state purposes the Mirasidars cannot claim them for cultivation.

N.E.M.
10-8-98.
G.S.F.

V.K.R.
10-3-98.

To Secretary—

* One of them is the file disposed of in G.O., No. 499, Revenue, dated 31st July 1899.

The questions raised and discussed in the notes on these two * files are —

I. The general one of grants of land to Panchamas for cultivation.—In the case of land absolutely at the disposal of the Government, the only consideration seems to be whether the object in view, viz., the encouragement of these classes in their endeavour to better themselves is worth the sacrifice of some revenue. For it is not much use giving them poor land that no body else wants.

In the case of ordinary assessed waste where the occupancy right of the village community is supposed to be dormant, the Government has distinctly affirmed that any such dormant right cannot be held to override any public object. The raising of the Panchamas may perhaps in special cases be regarded as such a public object which should take precedence over the customary rights of the particular community affected.

Paragraph 6 of G.O., No. 796, dated 1st June 1870, also paragraph 4 of G.O., No. 1010, dated 30th September 1892.

* * * * *

N. E. MARJORIBANKS.
10-8-98.

To Second Assistant—

Please see if there are any reported cases in which Government has been sued on the ground that village waste land (assessed or unassessed) has been assigned by it to persons having no preferential right under the darkhast rules, or generally whether it has ever been sought by law to restrict the discretion of Government in assigning waste.

The indexes of the Indian Law Report, Madras, and of the Sudder should be looked through.

Let me have the information by Saturday.

G. S. FORBES.

To Secretary—

The following legal decisions bear on the questions raised by the Secretary :—

I. Decrees of the Chingleput Court of Adalut (1836) *and of the Provincial Court, Centre Division* (1840), *printed at pages* 456 *to* 469 *of the "Papers on mirasi rights"*:—The mirassidars of Cannamtangal in Chingleput brought a suit to annul the cowle granted by the Collector to certain outsiders for some waste lands in the village on the ground that the cowle was granted by the Collector in spite of their own proposal to take up the lands and give security for the teervah (revenue).

The Judge of the Adalut annulled the cowle on the above ground and on the ground that the cowle had not been previously sanctioned by the Board of Revenue as the then Standing Orders required.

The Judge of the Provincial Court upheld the annulment on appeal.

The case does not appear to have been taken to the Sudder.

II. Sudder decision at page 119 *of Madras Sudder decisions* 1850.—The plaintiffs as mirassidars sought to recover possession of certain lands cultivated by the defendants on pattas issued by the Sub-Collector of the district. On special appeal relief was granted by the Sudder Court who remarked "that the law as laid down by "the Civil Judge, relative to the Government officers having authority unreservedly to "dispose of any lands situated in a mirassi village that may be left waste for a "period of years is erroneous, no such right being claimed by Government by "whom the prescriptive rights of the marassidars are upheld".

This as well as the former refers to a mirassi village, but it is not clear in this case whether the lands were always waste or had once been cultivated by the mirassidars and then left waste.

III. Sudder decision at page 152 *of M.S.D. for* 1858.—Plaintiff sued to recover possession of ancestral lands of which the defendants had obtained a lease from the Revenue authorities, plaintiffs being unable to continue their cultivation.

Judgment.—"It appears that the plaintiffs' ancestors had no other right in the "land in issue than that of occupation and being unable to continue the cultivation "thereof in 1831-32 relinquished it to the Sarkar . . . . The Court can "recognize in the plaintiffs no right under which they can be empowered to eject the "fourth defendant."

IV. Sudder decision at page 21 *of M.S.D. for* 1859.—Suit to recover land left waste by plaintiff for about twelve or thirteen years and for which the defendant had obtained a patta from the Revenue authorities. The defendant pleaded that he obtained the plaintiff's consent by purchase. Held that the Collector was not warranted in issuing a patta to the first defendant without giving the plaintiff, as the ancient occupant, the opportunity of cultivating the land or obtaining from him his consent that it might be assigned to the defendant.

Vide however item VI below in which this is explained away.
This is not in point.
G.S.F.

These measures not having been taken, the plaintiff is entitled to the land notwithstanding the patta issued to the defendant..

V. M.S.D., 1860, *page* 235.—Suit to recover land formerly waste for many years, but assigned on patta to plaintiff and since reclaimed and cultivated by him.

Decision.—"The defendants by their own admission had abandoned the cultiva-"tion of their land for many years, and it rested therefore with the Collector to grant "it for cultivation to other applicants at his discretion under the provisions of section "IX of Regulation II of 1803 and section IV of Regulation II of 1806."

VI. M.S.D., 1861, *page* 112.—Suit to recover a plot of garden land, said to be the property of the plaintiffs, who had, however, abandoned it for some years after which it was granted by the zamindar to the defendants.

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Remark.—This must be distinguished from Sudder dicision at page 21 of M. S.D. for 1859 in which "the defendant pleaded purchase from the plaintiffs and has "acknowledged the existence of his title up to the date of the alleged sale, but failed "to establish this sale by sufficient proof."

Decision.—"It has been repeatedly held by this court that, as a general rule, "lands which have been abandoned and left waste by the original cultivators are at "the disposal of the revenue authorities, whom the zamindar in this case represents; "and that the former occupants have no title to eject the parties who may have been "placed subsequently in possession, in accordance with the rules of the district and "with established usage."

VII.—M.H.C. Report, Volume I, page 12.—Suit to recover a field in a non-mirassi district which had been held on patta by plaintiff from 1848 to 1851 which lay waste from 1851 to 1858 and was granted on patta to the defendants by the Revenue authorities in 1859.

Decision.—"The land having been left waste, it was competent to the Collector "in protection of the public revenue to assign the land for cultivation to the first "applicant."

VIII. M.H.C.R., Volume I page 407.—Suit similar to the above.

Lands held on the terms of an ordinary ryotwari settlement with annual patta and left waste by the pattadar may be legally granted by the Revenue authorities.

Does this mean *eksal* patta ?
H.W.

IX. Decisions Nos. II to VIII refer to lands previously under occupation, and claimed subsequently on the ground of such occupation and of an asserted right subsisting therein. The above decisions are to the effect that the abandonment of the lands justified the Revenue authorities in granting them to others and recognize the right of the Revenue authorities to dispose of waste lands. It does not appear whether the persons to whom the lands were subsequently assigned were outsiders and the preferential right of mirassidars or resident ryots does not appear to have been raised. But it must be remembered that although in Chingleput the preferential right of mirassidars was formally recognized so early as 1842, the preferential right of non-mirassidars in Chingleput and of ryots generally was not formally embodied in rules till much later.

G.O., dated 31st January 1842, page 321 of Vol. Paragraph 30 of the letter from the Court of Directors, dated 17th December 1856, at page 557 of papers on mirassi right. Dalyell's Edition, Board's Standing Order No. 150.

IX. *I.L.R., Mad., I.* 205, *per Justice Holloway.*—The darkhast rules of the Revenue authorities do not constitute rights enforceable in a court of law.

XI. *I.L.R. Mad.*, 303,—*Chief Justice Turner and Justice Innes.*—When the mirassidars of a village have relinquished their pattas for lands and thereby given occasion to the revenue authorities to offer pattas to others, a civil court cannot compel the Revenue authorities to grant a patta to the mirassidars in preference to strangers, although the mirassidars may have a preferential right under the darkhast rule.

It is a question whether the case will not be different in the case of waste lands if there was no relinquishment and there was nothing to make the Revenue authorities infer that the mirassidars did not intend to take up the lands.

R.S.
10-12-98.

To the Honourable Member—

As I noted on the margin of page 3 above, I do not believe that any suit is maintainable against Government for assigning lands which are assessed and unoccupied to any person it pleases. As Mr. Justice Holloway said, the darkhast rules are not part of the law of the land. They only indicate the order in which the

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To the Honourable Member—

As I noted on the margin of page 3 above, I do not believe that any suit is maintainable against Government for assigning lands which are assessed and unoccupied to any person it pleases. As Mr. Justice Holloway said, the darkhast rules are not part of the law of the land. They only indicate the order in which the

Government will consider claims ; but there is nothing to bind Government in law to observe that order if it see good reason to depart from it. The case of mirassi claims in Chingleput I leave out of account, though that is a question which may well be tackled on a proper occasion.

* * * * *

G.S.F.
2-6-99.

I have never liked the darkhast rules, and regard them in practice as a serious obstacle to the movement of the agricultural population from overcrowded localities to places where waste land is available.

As soon as a stranger applies for waste, he finds himself excluded by a counter-application from a pattadar of the village ; and as soon as the baffled stranger retires the land can be relinquished again.

In practice the rules constantly work hardship and injustice, but they are ancient and difficult to abrogate, a good resumé of the discussions on the subject is given at page cclxii of the "Forty years' Progress." **A**

In answer to the memorial I am afraid we must say : The Government regrets that it does not at present see its way to re-opening with advantage the much-vexed question of abrogating the privileges accorded to pattadars under the existing darkhast rules.

Circulate.

H. W[INTERBOTHAM].
17-6-99.

(1) *To The Hon'ble Mr. Arundel, C.S.I.—*

(2) *To His Excellency the Governor—*

N.E.M.
18-6-99.

To Secretary—

Please put up the reference at **A**.

A. T. A[RUNDEL].
20-6-99.

The Hon'ble Mr. Arundel has not yet noted. But, the file has come to me with the file dealing with the application made by Mr. Sharrock, which has been dealt with ; and I do not think the following observations may be out of place. The darkhast rules are of old standing, and are probably highly valued by the ryot population. I doubt if it would be *politic*, or perhaps even *safe*, to abrogate them. But, I gather from the office-notes, that they are merely executive rules for general guidance, and have not therefore the force of law. I apprehend that Government may alter them, or abrogate them, or ignore them, at pleasure. It may not be wise to do these things, but I take it that Government can do them, if it so thinks proper. Paragraph 15 on page 66 of the Standing Order of the Board sets forth the power to depart from the rules, *in special cases, when considerations of equity require it but not otherwise.* I would not tamper with the rules themselves, but I would expand the conditions under which they may be departed from. Perhaps, in paragraph 15, the words "not otherwise" might be struck out, and the words "or in other special cases with "the permission of the Board of Revenue," might be substituted. It would then be competent for District officers to admit the applications of Christians or Pariahs ; but the permission of the Board of Revenue being required, District officers would

Paragraph 9 on page 5 of the revised Standing Order No. 30.

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dated 31st July 1899.

be checked in on excessive or injudicious application of the power to accept. I do not quite like the Hon'ble Mr. Winterbotham's draft order on the previous page, because it reveals doubts in our minds as to our faith in the darkhast rules. I do not think we should publish our doubts, even if we feel them.

I agree.
A.T.A.

A. E. H[AVELOCK].
6-7-99.

To the Hon'ble Mr. Arundel—

The reference asked for is put up. I beg pardon for the delay caused by my reading this and allied files.

The Forty Years' Progress resumé, it is submitted, somewhat mixes up things ; it uses the mirasi privilege argument more than is fair for non-mirasi districts ; it is silent as to the modifications of view following decisions to sell Periyár, Rushikulya waste lands ; in claiming rights for "the ryots in common" and "the village community" it overlooks the material question why a person belonging to that community—essentially an agriculturist—and resident in the village, should be at a disadvantage with a pattadar who may be a lawyer in Madras or a Deputy Collector 300 miles away.

The preference given to a pattadar whose land adjoins is, I believe, founded on the view that difficulties as to rights of way are thus minimised. Waste land is often surrounded by holdings and the assignee of the waste, if not an adjoining pattadar, would often have no right of way to and from the land.

H.W.

It should be borne in mind that the writer of the office-note is, as I believe, a large holder of mirasi lands. This may unconsciously colour his views. He also had the advantage of drafting a long note of 42 printed pages on the attacks directed in 1891 against the mirasi system by me as the Collector of Chingleput.

Perhaps pages 136 (and previous page) the page opposite page 310, paragraph 24, and the page facing page 323 of that file might be looked into. The position has since developed owing to the Periyár sales.

In G.O., No. 1010, Revenue, dated 30th September 1892.

A resumé is attached.

H. TREMENHEERE.
21-7-99.

It would be inappropriate, I think, to make the alteration suggested by His Excellency in the place proposed, as the instructions there given are for the guidance of the Tahsildar as the following sentence shows. A general relaxation of the rules in favour of the Board would form a separate paragraph at the beginning or the end. I hesitate to assent to such a general relaxation, as it may have unforeseen and undesirable consequences. But exceptional cases can be dealt with by Government, and the present memorials may, I think, be disposed of by saying that Government is not prepared to make any change in the darkhast rules, but that it is open to the Board of Revenue to forward, for the orders of Government, any cases in which an exception to the rules is recommended on the grounds of good policy.

A.T.A.
26-7-99.

To the Honourable Member
To His Excellency the Governor } *again—*

H.T.
27-7-99.

Personally I should desire it to be known that Government is disposed to modify the darkhast rules as soon as a sufficient expression of public opinion warrants it doing so.

I do not wish to press this view, but mention it to explain my proposed draft.

2. I would suggest whether it would not meet the views of both His Excellency and Honourable Member (senior), to alter rule 8 as follows :—After "as a general rule" insert "and subject to the right of Government to dispose of waste land otherwise than under these rules whenever it may consider it to be in the public interest to do so."

I agree. A.E.H.

I concur with His Excellency in wishing to see the conditions under which the rules may be departed from expanded, and if the above suggestion is not approved I am ready to concur in the expansion being effected by such other formula as may be deemed more appropriate.

H.W.
29-7-99.

Circulate.

H.T.
1-8-99.

My objection to my Honourable Colleague's proposal is that it is unnecessary—as Government undoubtedly possesses and acts on the right it possesses—mirasi lands excepted. Even a Tahsildar on the recommendation of the village officers can depart from the rules on the ground of equity (*vide* rule 9), subject, of course, to appeal. *A fortiori* the Government which frames the rules can do as it thinks proper. Paragraph. 2 of the revised Standing Order (regarding sale of waste lands brought under irrigation) is a recent departure embodied in a rule. The Panchama allotments and more recently the allotments for certain Muhammadan families of Masulipatam are illustrations of exceptional treatment by Government. But I think the exceptions to the rules (outside rule 9) had better be dealt with *by Government* and would therefore treat the present memorials as cases in which the Board of Revenue may be disposed to recommend exceptional treatment (*vide* my note, dated 26th July 1899).

A.T.A.
3-8-99.

I am willing to accept the Hon'ble Mr. Arundel's view that the Government, and not the Board, should deal with exceptional cases, as they arise. But, I think the opportunity should be taken to assert and publish the absolute right of Government to depart from the Darkhast rules, when it is thought proper to do so; and thus to set at rest, for the future, all doubt or question on this point. With this object, I would adopt the amendment to the rules which is proposed by the Hon'ble Mr. Winterbotham, in paragraph 2 of his note of 29th July 1899. In order to make the opinion and wish of Government clear and operative, I would, at the same time, instruct the Board that if it wishes Government to deal with any particular case, at any time, in this exceptional way, it should forward such case to Government. This would be in accordance with the opinion expressed by the Hon'ble Mr. Arundel at the end of his note of 26th July 1899.

2. The applications now under consideration would be dealt with under the arrangement proposed above.

A.E.H.
8-8-99.

To Under Secretary—

Please see draft below.

2. The memorials contain no specific applications for land; and it is presumed that no orders need be issued with reference to paragraph 2 of His Excellency's note above, dated 8th August 1899.

R.S.
18-8-99.

His Excellency no doubt referred to Mr. Sharrock's case. What stage is that in now? Has the order issued?

N.E.M.
19-8-99.

PETITION

0114

REVENUE

It was disposed of—*vide* G.O., No. 499, Revenue, dated 31st July 1899.

R.S.
19-8-99.

To Secretary—

N.E.M.
19-8-99.

To the Hon'ble Mr. Winterbotham—

" " *Mr. Arundel—*

Paragraph 3 of the draft.—As Standing Order No. 30, paragraph 1, seems to qualify paragraph 8 and make the latter applicable to Tahsildars, perhaps it would be better to insert the declaration at the end of paragraph 9, a new sub-paragraph, thus (the wording taken from Standing Order No. 32, paragraph 21):—

"Nothing contained in these rules shall be held to debar the Government from disposing of assessed waste lands otherwise than under these rules, at its discretion as heretofore."

H.T.
28-8-99.

Yes; I think this may be accepted.

H.W.
29-8-99.

I agree.

A.T.A.
30-8-99.

Issue. His Excellency to see after despatch.

H.T.
31-8-99.

A.E.H.
6-9-99.

[*Issued as G.O., No.* 586, *Revenue, dated 1st September* 1899.]

2. I would suggest whether it would not meet the views of both His Excellency and Honourable Member (senior), to alter rule 8 as follows :—After "as a general rule" insert "and subject to the right of Government to dispose of waste land otherwise than under these rules whenever it may consider it to be in the public interest to do so."

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29-7-99.

Circulate.

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8-8-99.

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Please see draft below.

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R.S.
18-8-99.

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N.E.M.
19-8-99.

PETITION

0113

It was disposed of—*vide* G.O., No. 499, Revenue, dated 31st July 1899.

R.S.
19-8-99.

To Secretary—

N.E.M.
19-8-99.

To the Hon'ble Mr. Winterbotham—

" " *Mr. Arundel—*

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H.T.
28-8-99.

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H.W.
29-8-99.

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A.T.A.
30-8-99.

Issue. His Excellency to see after despatch.

H.T.
31-8-99.

A.E.H.
6-9-99.

[*Issued as G.O., No.* 586, *Revenue, dated* 1*st September* 1899.]

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PETITION
0134

CONFERENCE.

Revenue (1898) Department.

CURRENT No. 1087

Order

From

The Secretary to the Madras Missionary Conference, Madras.

No.

Dated 1 Feby

Received 7 "

Registered 9 "

Enclosures

Spare copies.

SUBJECT.

Praying that some amen-ment of existing rules for the as-ment of waste-lands shall made to enable the mission-ar and other philanthropists to t- up land for Panchama peas- settlements &c.

14/3/98

Lr 159-60 & 23-2-94
" 635 & 14-2-94
" 210 & 20-1-94
" 841 & 28-11-94
" 581 & 9-8-94
" 1010 & 30-9-92
" 796 & 1-6-70.

Ep. 3245 & 28-6-97
" 432 & 1-9-96
" 1810 & 11-5-96
" 3974 & 4-10-96
" 3098 & 3-8-95
" 393 & 30-1-96
" 732 & 17-10-94
" 319 & 7-5-94

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION
0114
REVENUE DEPT

MADRAS MISSIONARY CONFERENCE.

PETITION
0114
REVENUE DEPT

To

MEMORIAL OF THE MADRAS MISSIONARY CONFERENCE.

To

HIS EXCELLENCY
SIR ARTHUR ELIBANK HAVELOCK, G.C.M.G., C.C.I.E.,
GOVERNOR OF FORT St. GEORGE.

1. That your Memorialists are missionaries residing in the City and Presidency of Madras, acquainted with the condition of the depressed classes in this Presidency, known as Panchamas, and anxious to improve it.

"(4) Lands held [illegible] years, and more particularly since 1892, the Government [illegible] ment, but [illegible] interest in the amelioration of the condition of [illegible]

2. That of late [illegible] Chingleput District only, but [illegible] fully acknowledge the special [illegible] tional opportuni- of this Presidency has taken deep [illegible] trict in the Presidency, except Tanjore [illegible] sites for these depressed classes. Your Memorialists [illegible] that as much of this land as possible regulations that have been made for [illegible] 9th August 1894, on the [illegible] ference to the amount [illegible] attention of Panchama schools [G.O., dated 30th September 1892, para. 11 (*f*)]. The order that lands bought in [illegible] Coimbatore [illegible] ars of revenue shall be assigned to Panchamas (*ibid* para. 5) and the at[illegible] to settle Panchamas in certain waste lands in the Gudivada Taluq of the Kistna District (G.O., No. 159, Revenue, dated 23rd February 1894) show that their material condition is also receiving attention from the Government.

3. For many years the efforts of missionaries have been more than ever directed to the elevation of Panchamas, and the number of schools for them under missionary management has been very largely increased. But your Memorialists find that education alone is not sufficient to improve their condition satisfactorily. A Panchama with but a very partial education is not content with the dependent position to which his fathers have been degraded. Moreover it is impossible to regard education as a remedy for the poverty of those who have passed the school-going age. This has led to very considerable discussion among missionaries and in the public press, and in some cases to experiments which have led many to believe that settlements or colonies, under careful management, in which the possession of the land is vested in the managing missionary or philanthropic society, are the simplest means of benefiting those of the landless classes who are accustomed to field-labour as their only means of livelihood.

4. As reasons for this view your Memorialists would urge :—

(*i*) That the numbers of these classes are so large that it is difficult for the Government to deal with them individually. Excluding Pallis (Vannians), the number of field labourers belonging to the Pariah, Mála, and other classes in this Presidency was, in 1891,

4,885,764, of whom 2,816,573 were found in the Tamil Districts, and 1,566,208 in the Telugu Districts, the remainder being scattered throughout Malabar and South Canara and the Agency Tracts. While a small percentage of these are comparatively well off, the great majority belong to what Sir W. W. Hunter calls 'the permanently hungry population of India.'

(ii) That Panchamas generally are skilled in agricultural operations, but lack capital, though, as many missionaries can testify, if means are placed at their disposal, some are well able to earn an independent living.

(iii) That the improvidence of many Panchamas is so great that, unless the possession of the land is vested in some Missionary Society or philanthropic body, there is grave reason to believe that, if small allotments are granted to individuals, they will speedily alienate their holdings. In proof of this your Memorialists would quote para. 5 of Mr. Atkinson's letter embodied in Proceedings of the Board of Revenue, No. 232, 13th [illegible] 1897, in which he shows that out of 3,536·96 [illegible] July 1897, in Panchamas during fasli 1[illegible] acres of land granted to or near[illegible] fasli 1302—5, no less than 1,152·55 acres, or one-third of the area granted, had been alienated by the assignees before the end of fasli 1305. It was with a view to prevent such alienation of assignments that holders of allotments under the Chenab Colonisation Scheme of the Punjáb Government were given non-transferable rights o[illegible]ancy only. [Government Tenants (Punjáb) Act of 1893, para. 3).]

(iv) That the opening of such settlements is specially valuable as providing a livelihood for the boys who are now being educated in Primary Schools for Panchamas, and who must seek a precarious livelihood as poorly paid teachers, unless there is some such opening for them.

(v) That while not claiming that the founding of Panchama settlements can alleviate the misery of all the depressed classes, your Memorialists hold that no other solution of this very difficult problem is at once so effectual, so simple, and capable of such wide application; for such settlements would serve as model farms and training schools in agriculture, and would thus, in a most practical form, fulfil the wishes of the Government in regard to technical education.

5. As to the important question of the land, your Memorialists are well aware that the starting of settlements for Panchamas entails very considerable expense and trouble. "The colonists must be brought to the spot, houses must "be built for them and their families; they must be provided with cattle for "ploughing, the implements of husbandry and carts for the conveyance of their "crops to market; they must further be maintained for the period during which "they will be engaged in preparing their fields for cultivation, ploughing, sowing "and waiting for the crops to grow and for the produce to become fit for consumption; this will take at least a year, and it is possible that two years or even more

MEMORIAL

To H[illegible]

1.

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"may elapse before the colonist is in a position to support himself and his "family." (G.O. No. 159, Revenue, 23rd February 1894.) If missionaries or other philanthropic bodies are prepared, as they are in several cases, to find the money necessary for all these initial charges, your Memorialists feel that they can look to the Government for help in acquiring the necessary land.

6. That there is land at the disposal of the Government, and that the Government is not unwilling to grant that land to Panchamas, is clear from G.O. No. 1010, Revenue, 30th September 1892, which says (para. 26), "Where any "Pariahs are willing and able to set up cultivation on their own account, the "possibility of giving them lands out of the areas referred to in paras. 31 to 33 of "Mr. Tremenheere's note might be favourably considered. These comprise portions of:—

	Acr[illegible]
"(1) Waste land in non-mirasi villages ...	[illegible]
"(2) Waste lands included in forest reserves	5,000
"(3) Waste lands bought in at sales for arrears of "revenue ...	1,500
"(4) Lands held by non-mirasidars before the settlement, but since relinquished ...	... not stated."

This relates to the Chingleput District only, but probably there are large areas of waste land in every District in the Presidency, except Tanjore.

7. That the Government is anxious that as much of this land as possible shall be cultivated is clear from G.O. No. 581, Revenue, 9th August 1894, on the Jamabandi reports of fasli 1302, in which, with special reference to the amount of land included in Forest Reserve, the Government directs that "the attention of "the Collector of Coimbatore and of the Conservator of Forests, Southern Circle, "should be drawn to this matter and they should be directed to make an early "selection of lands required for forest purposes and to set free for occupation as "much as possible of the cultivable lands now included in the above reservation. "The same course should be followed wherever large areas of cultivable land are "reserved for forest blocks."

8. With regard to 'Unassessed' waste lands, it is expressly stated in the Standing Order of the Board of Revenue, No. 32, para. 21: "Nothing contained "in these rules will be held to debar the Government from granting unassessed "waste lands on patta, cowle, or otherwise at their discretion as heretofore." And in para. 18 of that Order as modified and made applicable to the Chingleput District under G.O. No. 841, Revenue, dated 28th November 1894, published in the *Chingleput District Gazette*, September 20th, 1895, it is said that "if the grant "of the land on patta appear unobjectionable, the Divisional Officer can pass "orders directing its transfer to the head of 'ayan' or 'assessed' land and its "grant on patta, or its disposal under the darkhast rules."

9. But if, as very frequently happens, land which has been waste from time immemorial has been assessed, your Memorialists are informed that it can only be assigned to non-pattadars in accordance with the rules of preference recognised in Standing Order No. 30 of the Board of Revenue, para. 12 (3), which states that preference will be given:

(*a*) to a ryot whose land adjoins;

(*b*) to the first among the applicants who is a ryot of the village; and

(*c*) to the first applicant in the absence of any of the above privileged persons.

This makes it possible for any single landholder, in any village, to prevent any land being acquired by or for landless Panchamas in that village, by himself taking up the plots of land for which the Panchamas, or a missionary or a philanthropic body may have applied.

10. In the Chingleput District the applications of the landless man, and of the missionary or philanthropic body applying for land for his benefit, have to take the fifth place in order of preference—if there are any other claimants for the plots applied for. This is clearly stated in Standing Order No. 30 of the Board of Revenue as modified and made applicable to the Chingleput District under G.O. No. 841, Revenue, dated 28th November 1894, which says in para. 8 (3) that preference will be given

(*a*) to a mirasidar of the village whose land adjoins;

(*b*) to any other mirasidar of the village;

(*c*) to a non-mirasi pattadar of the village whose land adjoins;

(*d*) to any other non-mirasi pattadar of the village; and

(*e*) to the first applicant in the absence of any of the above privileged persons.

11. The clause which states that darkhasts for whole survey fields will have preference over those for portions (Standing Order of Board of Revenue, No. 30, para. 12-2) applies seldom, and is therefore practically of no help to missionaries and others seeking land for Panchamas.

12. Therefore, since the Government has land that may be assigned for cultivation, and as such land might be advantageously cultivated by Panchamas in peasant settlements, and as your Memorialists find that under the present rules it is exceedingly difficult, indeed almost impossible, for missionaries and philanthropic societies to get land to found peasant settlements, your Memorialists pray that some amendment of existing rules for the assignment of waste lands shall be made, which shall enable missionaries and other philanthropists to take up land for Panchama peasant settlements.

13. According to G.O., dated June 1st, 1870, No. 796, the Government has the right to appropriate waste lands in mirasi villages for State purposes, and according to G.O. No. 1010, Revenue, dated 30th September 1892, para. 11 (*f*), the Government possesses "indisputable right to assign waste land as public "puramboke to provide new sites for paracheris where wanted" and "will also "be prepared to assign sites for schools." Hence, in granting waste lands for Panchama peasant settlements, the Government is only extending a principle already recognised. Your Memorialists submit that the attempt to raise the depressed Panchama classes from their present dependent state is most worthy to be considered a State purpose.

PETITION

14. In conclusion, your Memorialists would add

(*a*) that missionary and other philanthropic bodies would hold the lands that may be assigned to them in trust for the Panchama occupants, and would be prepared to give any guarantee, that the Government may require, that these settlements shall be for the material good of the occupants and not for the profit of the assignees. Any profits that might arise would go towards the improvement of the land, the erection of school-houses, or the upkeep of schools—in short, towards making these settlements entirely self-supporting.

(*b*) that Panchama cultivators, as they attained to habits of thrift and independence, would be encouraged to acquire holdings in their own names.

And your petitioners will ever pray.

In the name of, and by the authority of the Madras Missionary Conference,

(Signed) T. P. Dudley,
Secretary,
Madras Missionary Conference.

Feb. 1, 1898.

Revenue (1898) Department.

Same as CURRENT No. ~~1399~~ 1087

To

From [illegible] Esq.
Private Secretary to
H.E. the Governor

Order

No.

Dated 13 Febry 98

Received 16 "

Registered 17 "

Enclosures

Spare copies

SUBJECT.

Transfers a petition from Secretary, Madras Missionary Conference, d/ 1 Febry 98, praying for an amendment of the existing rules for the assignment of waste lands to enable missionaries to found [illegible] settlements.

(Brooks)

R/A 18 2 98

[illegible]

M. Private Secretary

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION
934
REVENUE DEPT.

MEMORIAL OF THE MADRAS MISSIONARY CONFERENCE.

To

HIS EXCELLENCY

SIR ARTHUR ELIBANK HAVELOCK, G.C.M.G., G.C.I.E.,

GOVERNOR OF FORT St. GEORGE.

1. That your Memorialists are missionaries residing in the City and Presidency of Madras, acquainted with the condition of the depressed classes in this Presidency, known as Panchamas, and anxious to improve it.

2. That of late years, and more particularly since 1892, the Government of this Presidency has taken deep interest in the amelioration of the condition of these depressed classes. Your Memorialists gratefully acknowledge the special regulations that have been made for the improvement of their educational opportunities, as shown in the Grant-in-Aid Code, and in the provision for school sites for Panchama schools [G.O., dated 30th September 1892, para. 11 (*f*)]. The order [illegible] included [illegible] "the Collector as such [illegible] that [illegible] at in for arrears of revenue shall be assigned to Panchamas [illegible]id para. 5) and the attempt to settle Panchamas in certain waste lands in the Gudiváda Táluq of the Kistna District (G.O., No. 159, Revenue, dated 23rd February 1894) show that their material condition is also receiving attention from the Government.

3. For many years the efforts of missionaries have been more than ever directed to the elevation of Panchamas, and the number of schools for them under missionary management has been very largely increased. But your Memorialists find that education alone is not sufficient to improve their condition satisfactorily. A Panchama with but a very partial education is not content with the dependent position to which his fathers have been degraded. Moreover it is impossible to regard education as a remedy for the poverty of those who have passed the school-going age. This has led to very considerable discussion among missionaries and in the public press, and in some cases to experiments which have led many to believe that settlements or colonies, under careful management, in which the possession of the land is vested in the managing missionary or philanthropic society, are the simplest means of benefiting those of the landless classes who are accustomed to field-labour as their only means of livelihood.

4. As reasons for this view your Memorialists would urge:—

(i) That the numbers of these classes are so large that it is difficult for the Government to deal with them individually. Excluding Pallis (Vannians), the number of field labourers belonging to the Pariah, Mála, and other classes in this Presidency was, in 1891,

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This makes it possible for any single landholder, in any village, to prevent any land being acquired by or for landless Panchamas in that village, by himself taking up the plots of land for which the Panchamas, or a missionary or a philanthropic body may have applied.

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prevent such [illegible]

under the Chenab Colonisation Scheme of [illegible]

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(iv) That the opening of such settlements is specially [illegible] providing a livelihood for the boys who are now being educated in Primary Schools for Panchamas, and who must seek a precarious livelihood as poorly paid teachers, unless there is some such opening for them.

(v) That while not claiming that the founding of Panchama settlements can alleviate the misery of all the depressed classes, your Memorialists hold that no other solution of this very difficult problem is at once so effectual, so simple, and capable of such wide application; for such settlements would serve as model farms and training schools in agriculture, and would thus, in a most practical form, fulfil the wishes of the Government in regard to technical education.

5. As to the important question of the land, your Memorialists are well aware that the starting of settlements for Panchamas entails very considerable expense and trouble. "The colonists must be brought to the spot, houses must "be built for them and their families; they must be provided with cattle for "ploughing, the implements of husbandry and carts for the conveyance of their "crops to market; they must further be maintained for the period during which "they will be engaged in preparing their fields for cultivation, ploughing, sowing "and waiting for the crops to grow and for the produce to become fit for consump-"tion; this will take at least a year, and it is possible that two years or even more

14. In conclusion, your Memorialists would add

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In the name of, and by the authority of the Madras Missionary Conference,

T. P. Dudley,
Secretary,
Madras Missionary Conference.

Fsh. 1, [illegible]

[illegible] is clear from G.O. No. 581, Revenue, 9th August 1894, on the [illegible]s of fasli 1302, in which, with special reference to the amount [illegible]n Forest Reserve, the Government directs that "the attention of [illegible]f Coimbatore and of the Conservator of Forests, Southern Circle, "should be drawn to this matter and they should be directed to make an early "selection of lands required for forest purposes and to set free for occupation as "much as possible of the cultivable lands now included in the above reservation. "The same course should be followed wherever large areas of cultivable land are "reserved for forest blocks."

8. With regard to 'Unassessed' waste lands, it is expressly stated in the Standing Order of the Board of Revenue, No. 32, para. 21: "Nothing contained "in these rules will be held to debar the Government from granting unassessed "waste lands on patta, cowle, or otherwise at their discretion as heretofore." And in para. 18 of that Order as modified and made applicable to the Chingleput District under G.O. No. 841, Revenue, dated 28th November 1894, published in the *Chingleput District Gazette*, September 20th, 1895, it is said that "if the grant "of the land on patta appear unobjectionable, the Divisional Officer can pass "orders directing its transfer to the head of 'ayan' or 'assessed' land and its "grant on patta, or its disposal under the darkhast rules."

9. But if, as very frequently happens, land which has been waste from time immemorial has been assessed, your Memorialists are informed that it can only be assigned to non-pattadars in accordance with the rules of preference recognised in Standing Order No. 30 of the Board of Revenue, para. 12 (3), which states that preference will be given:

(*a*) to a ryot whose land adjoins;

(*b*) to the first among the applicants who is a ryot of the village; and

(*c*) to the first applicant in the absence of any of the above privileged persons.

This makes it possible for any single landholder, in any village, to prevent any land being acquired by or for landless Panchamas in that village, by himself taking up the plots of land for which the Panchamas, or a missionary or a philanthropic body may have applied.

10. In the Chingleput District the applications of the landless man, and of the missionary or philanthropic body applying for land for his benefit, have to take the fifth place in order of preference—if there are any other claimants for the plots applied for. This is clearly stated in Standing Order No. 30 of the Board of Revenue as modified and made applicable to the Chingleput District under G.O. No. 841, Revenue, dated 28th November 1894, which says in para. 8 (3) that preference will be given

(*a*) to a mirasidar of the village whose land adjoins;

(*b*) to any other mirasidar of the village;

(*c*) to a non-mirasi pattadar of the village whose land adjoins;

(*d*) to any other non-mirasi pattadar of the village; and

persons. in the absence of any of the above privileged

11. The clause which states that darkhasts for whole [illegible] holds will have preference over those for portions (Standing Order of Board of Revenue, No. 30, para. 12-2) applies seldom, and is therefore practically [illegible] to missionaries and others seeking land for Panchamas.

12. Therefore, since the Government has land that may be assigned for cultivation, and as such land might be advantageously cultivated by Panchamas in peasant settlements, and as your Memorialists find that under the present rules it is exceedingly difficult, indeed almost impossible, for missionaries and philanthropic societies to get land to found peasant settlements, your Memorialists pray that some amendment of existing rules for the assignment of waste lands shall be made, which shall enable missionaries and other philanthropists to take up land for Panchama peasant settlements.

13. According to G.O., dated June 1st, 1870, No. 796, the Government has the right to appropriate waste lands in mirasi villages for State purposes, and according to G.O. No. 1010, Revenue, dated 30th September 1892, para. 11 (*f*), the Government possesses "indisputable right to assign waste land as public puramboke to provide new sites for paracheris where wanted" and "will also be prepared to assign sites for schools." Hence, in granting waste lands for Panchama peasant settlements, the Government is only extending a principle already recognised. Your Memorialists submit that the attempt to raise the depressed Panchama classes from their present dependent state is most worthy to be considered a State purpose.

14. In conclusion, your Memorialists would add

(*a*) that missionary and other philanthropic bodies would hold the lands that may be assigned to them in trust for the Panchama occupants, and would be prepared to give any guarantee, that the Government may require, that these settlements shall be for the material good of the occupants and not for the profit of the assignees. Any profits that might arise would go towards the improvement of the land, the erection of school-houses, or the upkeep of schools—in short, towards making these settlements entirely self-supporting.

(*b*) that Panchama cultivators, as they attained to habits of thrift and independence, would be encouraged to acquire holdings in their own names.

And your petitioners will ever pray.

In the name of, and by the authority of the Madras Missionary Conference,

J. P. Dudley,
Secretary,
Madras Missionary Conference.

Feb. 1, 1898.

G.O.

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persons.

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Revenue (1898) Department.

CURRENT No. 1361.

From

Revd W. A. Fendley M.A.
Honorary Secretary to the
South Indian Missions
Association
No. Kaur
Coimbatore

Order

Dated 14 Febry
Received 15 "
Registered 17 "
Enclosures 2 (Sent to Pass)
Spare copies.

SUBJECT.

Submitting a memorial with a list of the members the South Indian Missi Association, for assignme of waste land under rules for formation ma settlements & management.

17.2.98.

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

South Indian Missionary Association.

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Rev. Dr. J. E. Clough	A.B.M.U.	Ongole
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„ „ J. McLaurin	„	Bangalore
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Rev. A. C. Fuller	„	Podali
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„ H. Y. Corey	„	Parlamikedy
„ H. F. Lafla[illegible]me	„	Cocanada
„ S. Hutchin[illegible]n	S.B.M.	Bangalore
„ H. F. Doll[illegible]	„	„
„ E. A. Booth	„	„
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Dr. T. V. Campbell	„	„
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„ C. G. Marshall	„	Tripatore

1
1361

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„ J. Knowles	„	Martandam
Mr. H. T. Wills	„	Trevandrum
Miss Derry	„	Nagercoil
„ Macdonnell	„	Neyoor
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„ Graham	„	Dummagudem
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„ Symonds	„	Ellore
„ Ewart	„	Bangalore
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Rev. Dr. S. B. Fairbank	Retired.	Kodaikanal.

A. M. Mission Press, Pasumalai.—1897.

Memorial of the South Indian Missionary Association.

CHIEF SECRETARY
15 FEB 1898
GOVERNMENT OF MADRAS

To

HIS EXCELLENCY

SIR ARTHUR ELIBANK HAVELOCK, G.C.M.G., G.C.I.E.,

GOVERNOR OF FORT ST. GEORGE.

1. That your Memorialists are Missionaries residing in the Madras Presidency and its associated Native States, numbering about two hundred and representing almost every Mission and every District in the Presidency, who are well acquainted with the situation of the Panchama classes and deeply interested in their welfare.

2. That understanding that a Memorial has been forwarded to Your Excellency by the Madras Missionary Conference asking that facilities may be afforded to missionary and philanthropic bodies willing to establish Panchama peasant settlements, your Memorialists desire heartily to endorse the prayer of that Memorial.

3. That they especially beg to draw Your Excellency's attention (1) to the Proceedings of the Revenue Board, No. 1943, of 1st September 1886, in which it is stated that the ordinary Darkhast Rules (ch. I, No. 30, para. 9 of Standing Orders) "may be departed from in special cases when considerations of equity require it," and also (2) to G.O., No. 1010, Revenue, dated 30th September 1892, para. 11 (f), wherein it is said that Government possesses "indisputable right to assign waste land as public puramboke to provide new sites for paracheries where wanted." Your Memorialists pray that the principles herein recognised may be so far rendered effective and enlarged as to facilitate the establishment of peasant settlements under suitable management; and, if possible, to enable Panchamas to secure waste land under patta or cowle in extension of the ordinary Darkhast Rules.

And your petitioners will ever pray, &c.

In the name, and by the authority, of the South Indian Missionary Association,

Wm. Findlay

Hon. Secretary.

1898
REVENUE DEPARTMENT.
2
136

(Cuos. 1087 & 1361 of [illegible]

PETITION

0127

Kanur,

14th February 1898.

From, REVENUE DEPT

Rev. W. H. Findlay, M. A.,

Kanur,

Hon. Secretary,

South Indian Missionary Association

To

The Chief Secretary to

Government,

Madras.

CHIEF SECRETARY'S
18 FEB 1898
GOVERNMENT OF MADRAS

Sir,

I have the honour to enclose herewith a Memorial which the South Indian Missionary Association desires to present to His Excellency the Governor in Council. I enclose also a list of Members of the South Indian Missionary Association.

I have the honour to be,

Sir,

Your Most Obedient Servant,

W^m H. Findlay

Hon. Secretary,

South Indian Missionary Association

(Govt. 1087 & 1361 of 07

~~(Encroachments from certain Missionary Conferences~~

To Secretary

Para 8 of the Boards S.O. no 30, which lays down rules for the disposal of assessed waste lands, read as follows:—

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

× × ×

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

(a) to a pattadar of the village who has land adjoining

(b) to the first among the applicants who is a pattadar of the village,

(c) to the first applicant in the absence of any of the above privileged persons."

2. Para 3 (3) of the Special rules for the Chingleput district gives preference to

Printed as appendix to S.O. no. 30.

a Mirasidar before a patta-
dar who is not a mirasidar.
Hence four classes of privileged
persons, have to be consulted
before lands can be given
to strangers as shown
below:—

(a) A mirasidar of the
village whose land adjoins,

(b) Any other mirasidar
of the village,

(c) A non-mirasi pattadar
Of the village whose land
adjoins, and

(d) any other non-mirasi
pattadar of the village.

3. In the first
Current the Madras Mission-
ary Conference points out
that the ~~acquisition~~ recog-
nition of a preferential
right in the manner set
forth above prevents the
acquisition of any land
by members of the paraiah
or panchama class, who
generally hold no land in
the village, and solicits a
modification of the rules.

The

Paras 9 & 10 of Cir. 1087. A

Para 12 of Cir. 1087. A

Para 5 on p. 67
of the G. O. 0

0 The Chingleput rules are
Quite Special
[initials]

T.

0 Para 5 of G.O. $\frac{1010}{30-9-92}$
~~on page 67~~

0 vide para 6 infra.
towards the close.

4. The disabilities of
this class of people received the
careful consideration at the
hands of Govt. in 1892 and
in G.O. No. 1010 dated 30-9-92
the Collector of Chingleput was
instructed to assign to
members of this community
lands bought in for Govt.
at sales for arrears of re-
venue. In the disposal of waste
lands, which were recently
brought under irrigation
in the Kistna district, the
claims of this class received
attention as will be seen
from G.O. No. 732 dated 17-10-96.
In these two cases the Govt.
has recognised no preferential
right on the part of the
pattadars of the village,
for, in the former, the right
has been extinguished by
the purchase of the occu-
pancy right by Govt. and
in the latter, a moderate
but sufficient area being
reserved for free distribution
among them, they cannot

objec-

agree to the disposal of the remainder to strangers. The Missionary conference requests that Govt may go a step further and modify the rules, (apparently) so as to abolish the preferential right in the ryots

5. The rule that waste land in a village should not be given to a stranger, until it is first offered to and refused by the pattadars of the village is an old rule, regarding which reference is solicited to the note printed on pages cclviii to cclxiv of the 'Forty years Memorandum'. The Mirasidars in the Chingleput district claimed the right to keep waste lands uncultivated themselves and opposed attempts to find other ryots to cultivate them. Govt repudiated this right in the interests of revenue and of the general public; but was willing to acknowledge the mirasidars right so far as to give them the

p. cclxiii

p. cclix

p. cclix

p. cclx & cclxi

the refusal before granting waste land to strangers. The rule was thus passed in the spirit of a compromise, and fair policy required that it should be extended to all pattadars, whether old mirasidars or not. It was recognized as early as 1841 in the despatch of the Court of Directors dated 28th July 1841 in which it was stated "we "Consider that the Govt has "a clear right to the reve-"nue to be derived from the "Conversion of waste lands "into arable, but we at the "same time think it pre-"ferable that this object should "be obtained, whenever prac-"ticable, without the intrusion "of strangers into the village "Community." The same view was reiterated in later despatches dated 3rd July 1844 and 17th Decemb, 1856, and has been acted upon and acquiesced in ever since.

6. In 1856 a proposal to sell waste land by auction was made, but was rejected as opposed to the interest of the village communities. The suggestion was renewed in 1860, and though it met with the same fate, an important exception was allowed, namely that when irrigation was supplied to a village, of which the ryots were neither numerous nor well-to-do, the Govt could set apart as much land as they could occupy and sell the remainder to strangers. This rule met with the approval of the Secretary of State. The waste lands newly brought under irrigation in the Kistna and Madura districts are disposed of on this principle. The system of auction sales is no doubt an infringement on the rights of the village community; but it

vide previous para 6 of G.O. on page 46 of Go. 153 & 15-2-92. P
also G.O. 1575 / 7-9-60 L

Para 3 of the G.O

Printed in G.O. 971 / 30-4-61 S
Para 4 of the Despatch

No rights or privileges as against Govt.

Para 6 of G.I. letter in B.P. 632 / 3-11-92 J

No 30

it is an exceptional case & the infringement is justified by the superior interests of the State in recouping its expenditure on irrigation projects from the sale proceeds of waste lands benefitted by them. A moderate but sufficient area is, however, reserved for free distribution among the ryots.

7. Except as above stated, no exception has been allowed to the rule that the ryots of a village should be preferred before strangers. The G.O. contains two or three rules which do not affect this rule, though at first sight they may appear to conflict with it. For instance, clause (1) of para 8 prefers the holders of a tree patta or the owner of a well before other applicants, but they are among the pattadars. Clause (2) gives preference to an applicant

cant for a whole survey field before one applying for a portion only, the former may be a stranger; but if a pattadar be found willing to take the whole field, the case will fall under clause (3) and the land will be assigned to him. The first rule under Clause (3) directs that the application of a pattadar of the village whose land adjoins" should be granted first. But the is a pattadar, not a stranger. Para 9 of the S.O. states that the rules laid down in para 8 "are "general rules, and may be "departed from in Special cases when considerations of "equity require it." The form of this rule is to be found in certain exceptions proposed by Mr Farmer in a draft of the rules which he proposed to issue for the guidance of village and taluk officers.

on page 4 of B.P. 1943 1-9-86 K rule (3).

The Board of Revenue considered it inadvisable to enumerate the exceptions and stated that it was sufficient to state in general terms that considerations of equity might authorise a departure from the rules in Special cases. Rule 8 on page 16 of B.P. 1943 1-9-86 was accordingly inserted by the Board, and this now appears as para 9 of G.O. No 30. The B.P. was recorded by Govt; and no reference was made in the office note to the additional rule made by the Board. It is submitted that, if this rule means that a stranger may be preferred sometimes, it is ultra vires and is opposed to a right recognized by the Govt and the Secretary of State.

8. The question for consideration is whether for the benefit

para 6 of B.P. on page 11 of B.P. 1943 1-9-86 K

And I. ref

"It is not ultra vires. The disposition of unoccupied land has always rested in the Sovereign by the ancient common law of the country. I do not understand how a suit would lie or a cause of action be found for a suit against Govt. certainly in the Ryotwari villages

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of

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of a class, the Govt is prepared to strike out what in the words of the 'Forty years Memorandum' "has now "become a part of the Common law of the country, "even if it was not so before".

9. Para 13 of the Memorial points out that in G.O. No $\frac{796}{1-6-70}$ the Govt asserted its right to appropriate waste lands for state purposes and contends that to raise the depressed panchama classes is a state purpose and that waste lands may therefore be assigned without reference to pattadars. Whether this contention be accepted or not, it will be observed from the second sentence of para 6 of the G.O. quoted that the right was not claimed in the case of lands required for cultivation."

p ccl×ii

||| Admits it was not the ancient law
SK

Para 6 X

Not at all!
When the lands are required for state purposes the mirasidars cannot claim them for cultivation
$\frac{11}{10.8.}$ [signature]

H.E. pages 8 to 22 of the notes under G.O. $\frac{499}{31-7-99}$

KO
10/3/98

H.E. & H.M.

The Govt regrets that it does not at present see its way to re-opening with advantage the much-vexed question of abrogating the privileges accorded to pattadars under the existing darkhast rules — ~~existing~~

H.S —
17 - 6 - 99 -

(1) The Hon Mr Arundel CSI
(2) H.E. the Governor

6 $\frac{11}{18.6}$ ll

19/6.
R. 7/7
C. 27/7.
R. 27/7
C. 28/7
R. 31/7
C. 1/8
R. 1/8
C. 29/8.
R. 31/8.
C. 2/9.
R. 7/9

I have never liked the darkhast rules, and regard them in practice as a serious obstacle to the movement of the agricultural population from over crowded localities to places where waste land is available —

As soon as a stranger applies for waste he finds himself excluded by a counter-application from a pattadar of the village; and as soon as the baffled stranger retires the land can be relinquished again.

In practice the rules constantly work hardship & injustice; but they are ancient & difficult to abrogate — A good résumé of the discussions on the subject is given at p. CCLXII of the "Forty years' Progress"† —

In answer to the Memorial I am afraid we must say

~~Office~~
Secy.†
Please put † in the ref.
M.A. 20.6.99

... up
to auction, wh... ...lagers, but,
as I was told the Kurnam of another village
... for an officer. That land was
...ut I did not get it.

The Hon. Mr. Arundel has not yet noted. But, the the file has come to me with the file dealing with the application made by Mr. Sherrock which has been dealt with, and I do not think the following observations may be out of place.

The Durkhast rules are of old standing, and are probably highly valued by the ryot population. I doubt if it would be politic or perhaps even safe, to abrogate them. But, I gather from the Office notes, that they are merely Executive Rules for general guidance, and have not therefore the force of law. I apprehend that Govt. may alter them, or abrogate them or ignore them at pleasure.

It may not be wise to do these things, but I take it that Govt. can do them, if it so thinks proper. Para. 15 of ~~on page~~ 66 of the S.O. of the Board sets forth the power to depart from ~~them~~ the Rules in special cases, where considerations of equity require it but not otherwise. I would not tamper with the Rules themselves, but I would ~~enlarge~~ expand the conditions under which they may be departed from. Perhaps, in para 15, the words "not otherwise" might be struck out, and the words "or in special cases with the permission of the Board of Revenue;" — might be substituted. It would then be competent for Dist. Officers to admit the applications of Pariah Christians or Pariahs, but the permission of the Bd. of Revenue being required Dist. Officers would be checked in an excessive or injudicious application of the power to accept.

I do not quite like the Hon. Mr. Winterbotham's draft order, on the last page, because it reveals doubts in our minds as to our faith in the Durkhast rules. I do not think we should publish our doubts, even if we feel them.

A.S.H.
6.7.99

I agree
H.A.

para 9 on p. 5 of the ~~new~~ revised S.O. No 30

It wd. be inappropriate I think to make the alteration, suggested by H.E. in the place proposed, as the instructions there given are for the guidance of the Tahsildar as the following sentence shows. A general relaxation of the rules in favour of the Bd. would form a ~~special~~ separate paragraph at the beginning or the end.

I hesitate to assent to such a general relaxation as it may have unforseen and undesirable consequences. But exceptional cases can be dealt with by Govt. and the present memorials may I think be disposed of by saying that Govt. is not prepared to make any change in the Durkhast Rules, but that it is open to the Bd. of Rev. to forward for the orders

X of Govt. any cases in which an exception to the rules is recommended on the grounds of good policy.

A.A. 26.7.99.

H.M.
H.E. the Gov. again
H.T.
27.7.99

Please see my remarks over leaf W.S.
29.7.99

The preference given to a pattadar whose land adjoins is, I believe, founded on the view that difficulties as to rights of way are thus minimised — waste land is often surrounded by holdings and the assignee of the waste, if not an adjoining pattadar, would often have no right of way to & from the land W.S.

15

13

The ref. asked for is put up. I beg pardon for the delay caused by my reading this & allied files.

The Forty Years Progress resumé it is submitted somewhat mixes up things:)

it uses the Mirasi privilege argument more than is fair for non Mirasi districts;

it is silent as to the modifications of view following decisions to sell Periyar & Rushikuliya waste lands;

in claiming rights for "the ryots in common" & "the village community" it overlooks the material question why a person belonging to that community, & essentially an agriculturist, ~~&~~ & resident in the village, should be at a disadvantage with ~~the~~ a pattadar who may be a lawyer in Madras or a Dy. Collr. 300 miles away.

It should be borne in mind that the writer of the office note 15, as I believe, a ~~mirasi~~ large ~~dar~~ holder of Mirasi land. This may unconsciously colour

2877.

[h]is views. {He also had the advantage of drafting a long note of 42 printed pages on the attacks directed in '91 on the mirasi system by me as 1st Coll. of Chingleput.

Perhaps pp. 136 (& previous p.) the p. opposite p. 310 para 24, & the p. facing p. 323 of that file might be looked into. The position has since developed ~~by~~ owing to the Periyar sales.}

H.T.
21.7.99

in G.O. 1010 Rev. of 30.9.92 (Bound Volume 9).

A resume is attached.

Personally I should desire it to be known that Govt. is disposed to modify the darkhast rules as soon as a sufficient expression of public opinion warrants it doing so — I do not wish to press this view & but mention it to explain my proposed draft.

2. I wd. suggest whether it would not meet the views of both H.E. and Hble. Senior to alter rule 8 as follows: — after "As a general ~~rule~~ rule" insert "and subject to the right of Govt. to dispose of waste land otherwise than under these rules whenever it may consider it to be in the public interest to do so"

I concur with H.E. in wishing to see the conditions under which the Rules may be departed from expanded, and if the above suggestion is not approved I am ready to concur in the expansion being effected by such other formula as may be deemed more appropriate —

H.S.
29-7-99

Circ. H.T. 1.8.99

My objection to my hon. Colleague's proposal below is that it [is] unnecessary as Govt. undoubtedly possesses & acts on the right it possesses — mirasi lands excepted. Even a Tahr. on the recommendation of the village officers can depart from the rules on the ground of equity — vide rule 9. — subject of course to appeal — which a fortiori the Govt. ~~can do what~~ frames the rules can do as it thinks proper. Para 2 of the Revised Standing Order (re sale of waste lands brought under irrigation) is a recent departure embodied in a rule. The Panchama allotments & more recently the allotment for certain Mahomedan families of Masulipatam are illustrations of exceptional treatment by Govt. —

But I think the exceptions to the rules (outside rule 9) had better be dealt with by Govt. & would therefore treat the present memorials as cases in wh. the Board of Rev. may be disposed to recommend exceptional treatment. Vide my note of 26.7.99. M.? 3.8.99

I am unable to accept the Hon'ble Mr. [illegible] proposal [illegible] the Board should deal with exceptional cases [illegible]. But, I think the opportunity should be taken to [illegible] proposed by the Hon. Mr. [illegible] in para 2 of his Note of [illegible].7.99. In order to make the opinion and wish of Govt. clear and [illegible], I would at the same time, instruct the Board that if it wishes Govt. to deal with any particular case, at any time, in this exceptional way it should forward such case to Govt. This would be in accordance with the opinion expressed by the Hon. Mr. Arundel, at the end of his Note of 26.7.99, on pages 12 & 13 of the Office Note.

The applications now under consideration ~~might~~ would be dealt with under the arrangement proposed above.

A.E.? 8.8.99

Note
The Rev. Mr. Sharrocks' application was disposed of in G.O. 499 Rev. of 31.7.99 (? G/2)
19.8.99

H.E. no doubt referred to Mr Sharrock's case. What is the stage now? Has the order issued?
19/8

To R.S.

Please see draft below.

2. The memorials contain no specific applications for land; and it is presumed that no orders need be issued with reference to para 2 of H.E.'s note above. dy

8-8-99

[signature]
19/8/99

R.S.
18.8.99

9

9

Revenue Department.

Read Memorial of the Madras Missionary Conference, forwarded by the Rev. T.P. Dudley, Secretary.

(C.No.1087 of '98)

,, also Memorial of the South Indian - Missionary Association, forwarded by the Rev. W.H. Findlay, Honorary Secretary.

(C.No.1361 of '98)

-:-

O R D E R Press No. 586 d/ 1st September 1899.

The Government has carefully considered these memorials and is not prepared to make any change which would -- authorise the assignment, without its - specific previous sanction, of any waste lands otherwise than in accordance with the darkhast rules as they now stand. It has the right to depart from the darkhast rules whenever it may consider it necessary in the public interest to do so, - but will act on such right only in special and exceptional circumstances. The Board of Revenue will ~~therefore~~ submit -

for

for the orders of the Government all cases in which a departure from the rules (otherwise than under the Sanction of Rule 9) appears to the Board desirable on ~~the~~ --- grounds of good policy.

HS

3. The Government is of opinion - that its right to depart from the darkhast rules should be expressly asserted in the ~~rules themselves~~ × Bd's Standing order No 30, and directs the ~~insertion~~ addition as a new ~~--~~ para 10 9 A of the following ~~words after the word -~~ ~~a~~ after paragraph 9: ~~"rule" in line 1 of para 8 of B.S.O.No.30:~~

"and subject to the right of "Government to dispose of waste land other- "wise than under these rules whenever it "may consider it to be in the public --- "interest to do so".

(From Orders)

× I am not sure whether this wd not read better as "The Bd's S.O. n: 30. H.T.

Yes H.W. 29-8-99.

omit. See above.

H.M. As S.O. 30 para. 1 seems to qualify para 8 & make the latter applicable to Takst., perhaps it wd be better to insert the declaration at the end of para. 9, as a new sub-para, thus - the wording taken from S.O. 32. para. 21;

"Nothing contained in these rules shall be held to debar the Govt. from ~~granting~~ disposing of assessed waste lands otherwise than under these rules, at its discretion as heretofore."

H.T. 28 8 9

To the Memorialists (paras 1 & 2) only

, Board of Revenue, Land Revenue.

Yes. I think this may be accepted

HS 29-8-99

I agree

A.A. 30.8.99

Issue. H.E. to see after despatch.

H.T. 31 8 99

A.E.H. 6.9.99

B.C.Dd. 19-9-99

To be stitched with G.O. 586 / 1-9-99

The Madras Mail of 11. 1. 9?

Panchama Settlements.—(I).

The Rev. H, C. Schmidt writes as follows from Rajahmundry :—

Some time ago you published an article on the so-called Panchama Settlements of the Rev. A. Andrew in Chingleput. Interested in the matter, and expecting to go to Madras soon, I intended to see with my own eyes, but I failed to do so. I was glad to hear of the perfect success, but could not help asking—how is this possible? The arrangements in Melrosapuram and Overtounpetta are that the cultivator gets two-thirds of the produce and one-third goes to the Mission, which does not only cover Government tax, but leaves a considerable profit for purchase of cattle, digging of wells and other improvements of the land. I understand that Government has given for Melrosapuram 72 acres as a free grant, without any tax whatever for five years and partial tax after that time till the full tax is reached in the eleventh year. These are certainly very good conditions, and whatever the two-thirds and one-third may mean, during the first five years the one-third means so much profit to the Mission.

But that is merely a rare exception, and after ten years the ordinary circumstances come into force and they are, that Government tax is one-half of the net produce.

We read that Joseph bought the land of the Egyptians for Pharaoh, and gave it out for cultivation on condition that the cultivator paid to Pharaoh one-fifth of the produce. The land assessment in the Madras Presidency is always settled after a period of 30 years on the basis that the share of Government is half the net crop and the cultivator keeps the other half. This basis is not always adhered to and sometimes very good soil has been classified as inferior and charged with very little tax, and inferior lands have been classified as good soil, for which the assessment was much too high. It is profitable if one can obtain good lands on the payment of a small tax, and I have often heard that ryots bribe the Revenue officers, when they have to classify unassessed lands, but I have also heard that Revenue officers have classified lands too high, when the ryots refused to pay the extras asked by the Inspector. However, this mode of obtaining a larger share of the profits can only apply to a very few exceptional cases, and forms no reliable basis for calculation. By far the safest way is to improve the lands by water supply, drainage and manuring, and such landowners profit much, to whom Government allows a period of ten years to do so, in which they can enjoy the whole profit for five years and partly for another five years, before full taxes are to be paid. And that seems to be the Rev. A. Andrew's case. But that is a rare exception of the rule.

My experience tells me that Government charges tax already the first year before the ryot can cultivate it, because he is put in possession after the planting season and before the end of the Fasli. I have never heard of a single case that a Missionary obtained a grant of land in these parts of the country on such conditions as the Rev. A. Andrew. But even if one has to pay full tax from the first and in advance, it must be the aim of every landowner to improve his land so that he can get more than one-half of the profit as his share. Government can be satisfied with one-half as its share, because it charges extra for water-supply, for roads, and in fact for everything by which the cultivator is believed to profit. In return, Government has promised not to tax the capital which the ryot puts into his land. However, this latter just and fair concession is greatly imperilled after every 30 years at the re-settlement, when also re-classification of the soil takes place, and it is more than likely that the cultivator who has improved his land will find that it has been placed in a higher class on that account. In order to be just to Government, one must also admit that irrigation works and drainage, for which the ryot has paid his water tax extra, may have helped him in the improvement of his land. When that is the case, Government ought to have its share. But, on the other hand, much land is impoverished by irrigation, and whenever new irrigation works stop the natural drainage, Government ought to be ready to bear its share also of the royts' loss by floods. If Government was always as liberal as in Rev. A. Andrew's case, not much unoccupied land would be found in India. The population

... that land was ... but I did not get it.

is large enough to cultivate it all and capital would be forthcoming for the improvement of the lands, if it was not too risky to do so.

More than a quarter of a century have I been engaged with the question of Panchamas settlements, and I shall try, in as short a space as possible, to relate some of my experiences.

INDUSTRY OR CULTIVATION?

was my first question in regard to our Christian converts, which mostly belong to the Panchamas. The different castes reminded me a good deal of the artisans Guilds, which we had on the Continent of Europe up to 1850 and even to 1870. The Christian converts must rise in education and will increase their expenses and, therefore, cannot always remain the slaves of the landowner or common coolies. The Mission may employ a good many in church work; still, that is not a permanent arrangement. A fresh source of income must be opened out for the converts and their offspring. The Hindu can cultivate land as cheaply as and even cheaper than any educated Christian ever can do. Here is no opening where his labour is absolutely needed. But India cannot remain satisfied with the products of her own industry. Her wants of fresh supplies are increased by every supply of goods manufactured in Europe and sent to India. If that supply could be met by Indian industry it would be a grand opening for work. But it is not and perhaps never will. It does not pay for a Hindu to be a small artisan, and he cannot start in a grand style. I have turned out some carpenters, blacksmiths, printers, bookbinders and others. They will work well as servants, but to set up business for themselves does not pay. The tax on Professions and Arts is at once applied to their case, as soon as they cease to work as servants and begin business single-handed for themselves. Government does not encourage artisans to begin work on a small scale. Europeans start factories which with unskilled workmen too often prove failures. Hindus will hardly start factories before they have artisans who can work profitably single-handed. If we could give the converts a taste for single-handed industry, I believe there would be an opening for them much more promising than cultivation.

Cultivation, however, is known to most of them, and when land lies unoccupied and waste, they naturally come to the Missionary and ask him to get it for them. My experience tells me that lands which you get for nothing generally are worth nothing, and prove the most expensive in the end, especially if one has to pay tax a year ahead. Inam lands which cost most to obtain are in the end the cheapest and most profitable. I will relate a few examples. Some engineers asked me to teach the Christians brick-making. I applied for one acre of land for that purpose and the Collector answered that I could have it if I would pay Rs. 20 annual tax. I hesitated but renewed my application the next year and got the land on *pattah*. I started brickmaking, but suddenly a Sub Collector imposed an extra tax of Rs. 20 for every lakh of bricks made. I had that year to pay, besides the land tax of Rs. 20, about Rs. 100 additional tax. When I wanted to appeal and found that I had not the copy of my letter proving that I had applied for the land for brickmaking purposes, I applied for a copy, but the Collector refused to give me a copy, and I had to stop. Such arbitrary and prohibitory taxation made this land too expensive for such purposes. In Pedamiram I applied for ten acres and got them on *pattah*. Later I relinquished, free of compensation, such portion as the P.W.D. required for an irrigation channel, with the understanding that it would irrigate my land. In order to raise the water a dam was required, and I asked for permission to construct one at my own cost. The engineers refused this application, saying that they had a dam under consideration and that Government did not favour private work. After paying for ten years Rs. 40 annually, without being able to cultivate the land, the D. P. W. has still the dam under consideration and expects the ryots to be satisfied if they only consider the matter. On appeal to the Collector, he said that I should at least get compensation for the land, if I could get no dam. But so far I have got neither the one nor the other. In Bondada I applied for vacant land, and when the villagers did not want to apply for it, I received an answer that the land should be made over to me, and I was ordered to put down boundary stones. After I had done this, and the land had been measured, the villagers objected to my getting it, and the Revenue officers put the land up to auction, when not one of the villagers, but, as I was told, the Kurnam of another village [illegible] for an officer. That land was [illegible] but I did not get it.

Most of my petitions have been in vain, and I have come to the conclusion that it is best to let natives apply for it, because they know how to get it. They will often sell it again for a trifling profit, especially when their means are exhausted, and they have no more to spend on the land. Such lands which Government gave them on application, they sold to me, after preparing them for cultivation, for Rs. 10 an acre and less.

THE VALUE OF LAND FOR CULTIVATION.

Government has classified the soil in the different parts of the country and put a different value on the different lands. If the conditions for cultivation were equally good, the value of the land would also be equal. But this is not so. The distance from the market gives the lands a different value, although Government puts a road tax on all lands alike, implying that all are supposed to have the same facilities of transport of grain to the market. But it is a fact that many villages have not a single road. The density of population gives probably the highest value to land. It is most expensive in towns, next in crowded villages, and almost of no value whatever in places where the population is so small as to be unable to cultivate the land around them and where importation of labour makes cultivation expensive. The improvements of the land since it was lying waste, by levelling, fencing and manuring, greatly raise its value. In case of irrigated lands their value depends on the water-supply, whether it can be obtained fully and easily, and as easily and fully can be drained off in times of floods. The value of lands rises also in proportion to the smallness of the assessment; hence *Mamulphallam* lands, free from land and water tax, are the most valuable and expensive to buy, especially in well populated places where labour is not too expensive.

EXAMPLES.

A Pleader asked me, some twenty years ago, to take his *Zerayati* land for cultivation by Christians. He offered the five acres to me for sale for Rs. 100, or for rent on payment of Rs. 3 annually besides Government tax. I concluded that Rs. 100 would bring Rs. 5 interest and by renting it I would have it Rs. 2 cheaper than if I bought it. A Christian cultivated it for fifteen years, when the town was extended beyond this land and the owner sold it for Rs. 900.

In Zakkaram I bought five acres of land for Rs. 200. It is classified as very good soil. It lies very close to the irrigation channel and the dam to raise the water is a few yards above this land. But these few yards join the *Mamulphallam* of a Razu and he refuses to let the water be supplied to my land from the dam. The water has therefore to come from a lower level, which will only irrigate my land when abundance of rain raises the lower level sufficiently. For several years we have not had such rains, and the consequence is that the whole crop for several years has not reached the value of the taxes, a little less than Rs. 100. For several years I have lost annually from Rs. 40 to Rs. 80 on this land. The best offer I could get this year was that of some caste men, who would cultivate the land for five years and pay the taxes and nothing more, on condition that I should supply manure. They considered this favourable, because it would reduce my loss to about Rs. 20 annually. The soil is good, but the dam which could supply the water is built at the Inam land and the Inamdar will not let the water to my land and Government will not interfere. Water cannot be supplied to this land unless I lower the ground at an expense of several hundreds of rupees. What I have bought for Rs. 200 Government will not even take for nothing; I cannot relinquish it, because the land forms part of certain numbers, and if the whole numbers are not relinquished by the other ryots also, I cannot relinquish my portion. I am therefore forced to cultivate the land at considerable loss or to spend much in lowering the level. How the Inamdar got the dam at his land, for which he pays no water tax, does not concern me. It is enough for me to prove that such Inam lands, although expensive, are the most profitable and cheapest in the end. And people who have money invest it in Inam land and not in *Zerayati*. And yet with the increase of population the vast amount of uncultivated lands must be brought under the plough. It must be made payable. My aim is not to invest money profitably, but to supply work for the underfed people in India and to make such work profitable for Christian converts.

(To be continued.)

Panchama Settlements—(II)

The following is the concluding portion of the Rev. H. S. Schmidt's paper, the first portion of which appeared in our last issue:—

LOW LANDS NEVER CULTIVATED BEFORE.

In the Godavery District, in the Bhimawaram Taluq, are thousands of acres of land towards the sea which never have been cultivated. Every shower of rain here means inundation. The extension of irrigation canals promises regular water-supply to a larger area than ever was contemplated by Sir Arthur Cotton. And if drainage would be provided for, such lands could be cultivated. Most of our converts live in this part of the Delta, the most neglected taluq of the Godavery District. There is not a European officer of any kind stationed in the Bhimawaram Taluq and bribery seems to be the principal lever of the whole machinery. Cultivation here is a kind of lottery. If water is supplied early so that the rice plants can grow high enough to stand inundation, a fair crop can be realised. The question then is, how to get an early supply? I showed a prominent native 50 acres of my land, for which I have to pay nearly Rs. 100 if I do not cultivate it, and Rs. 600 if I cultivate it, at the risk of losing all by floods, and asked him what to do? He said: You do not know. But if you paid Rs. 50 for opening the sluices to supply the water early and you got a fair crop, what objection is there to that? Why do you tell the Christians not to pay *lanzam*, when there is no other way to get a crop? The engineers tell us that there is not water enough in the Godavery to supply early water to all fields under irrigation. If so, an extra rupee per acre could not possibly provide water all round and it would, after all, only reach a few of them and the highest bidders. And to outbid each other in order to become the best favoured with water-supply would finally end in the ryots' ruin. There must therefore be found another remedy against

DESTRUCTION BY FLOODS.

After last year's destruction by floods, when I paid over Rs. 500 in taxes without getting anything from the fields, the Tahsildar and Collector gave me the advice, not to cultivate the land and pay only land tax rather than run the risk of getting nothing by cultivating it and paying high water tax, when the water probably would destroy the crop. Many ryots do so and they do so because they expect the P. W. D. to drain the country. This is their only hope and the engineers have this plan under consideration. But before they take final action the land will become extremely expensive by paying land tax and road tax and all sorts of taxes for nothing whatever.

REMISSION OF TAXES.

Government promises in cases of loss of crop. This provision of Government for the benefit of the ryots works well enough in other taluqs. I have had full remission of taxes in the Rajahmundry Taluq about every fifth year. It appears that there about every fifth year the crops under irrigation are lost. In the Bhimawaram Taluq I was told that it was *mamul* to pay Re. 1 for each acre on applying for remission. I refused to do anything of the kind. I applied for remission and let the Revenue officers attach the whole crop two years ago. I appeared at Jamabhandy. The Collector called for the papers. The Tahsildar produced them stating that he had estimated the crop as fair, but his papers contained no statement that he had sold the crop of 30 acres for about Rs. 10 in public auction. When I mentioned this fact and the Tahsildar could not deny it the Collector granted full remission of water tax. Last year I followed the same plan. I refused to pay the tax for a block of 50 acres in Bhimawaram and the crop was attached and sold in public auction for Rs. 19. The Tahsildar and Deputy Collector testified that the crop in some parts was fair, but they never came to these fields. The Revenue Inspector wrote that there was total loss. But the Tahsildar declared that he could not be trusted, and he was dismissed from service. I inspected the field and thereupon requested the Collector, the selector, to select a Panchayet and send them to the spot and let them give their judgment. This, of course, was not granted, and my petition was refused, because the Tahsildar and Deputy Collector declared that it might be possible that people had stolen the crop. They, however, record that there were three heaps on the land and that these heaps after threshing produced only Rs. 19 worth of grain. This clearly shows how empty the straw must have been. The ryots were unanimous in declaring that the Tahsildar had given a fair and just estimate of all the fields which he had inspected personally. Whether the young Brahmin Deputy Collector, even on seeing, would have been able to form a proper judgment, I do not know. But when they do not even see the fields, how can they judge? As long as the Tahsildar and Deputy Collector have such a large extent to inspect, where there are no roads, it is impossible that they can do it, not even when they are carried in a palanquin on the banks of the channels. The only way of getting remission is not to touch the field but let the straw with the grain stand and rot in the field. But then the ryot has no chance even to get the ten *munsums* an acre, which Government admits that he is entitled to. This year we have had very little rain, but we got a good downpour on the 6th, 7th and 8th November, and the water at once rose to an alarming height over the fields, almost ripe for the harvest. At once a thousand applications for remission were made to the Tahsildar. But this time the danger passed over. The Tahsildar naturally says to me:—Why do you hold such lands? I think, Why should I not, when our Christians have no chance to get other lands? The evil must be corrected and why should a Missionary hesitate to assist in the work?

LOSS OF REVENUE TO GOVERNMENT.

In comparison with my loss of a few hundreds the loss to Government is enormous. Last year in Bhimawaram remission was granted to the amount of one-tenth of the whole revenue. But the ryots lost much more than twice that amount. I understand that Government lost at least Rs. 60,000. Who is to be blamed for this? The engineers will say: the nature of the soil. This is also true, because the fall in the land is very insignificant between Bhimawaram and the sea, and the natural drain instead of running straight South into the sea, winds in all directions of the compass till it runs into the Uppuderu, ten miles as the crow flies south-west from Yenumaduru and then just as far south-east again before the seashore is reached. Three or four sandy ridges run parallel to the sea through this triangular swamp and stop the water from running off the land. Many years ago I proposed to the P. W. D. to make a straight cut from Yenumaduru and cut through these ridges and dig a canal a few inches deeper than the low ground so that the water of the drain can find its shortest way into the sea. Not only the Revenue officers, but also the engineers, one after another as they have taken charge of this District, have approved of this plan and even the Deputy Collector in his opposing remarks on my petition supported it. But the estimate is for a deep canal which costs more than Government likes to spend. If Government had spent the money which it lost last year in Revenue in Bhimawaram only on the straight cut, the work would have been finished and much distress in future prevented. The irrigation works have contracted the natural drainage and thereby increased the danger of loss of crop by inundation. The drainage from the hills meets the railway and the Ellore Canal, but passing through the gaps made there, the Velpur Canal contracts its basis and directs its full force upon Bhimawaram, and having no proper outlet, the water must rise there and stand over the crops.

ANOTHER CHANCE TO GET A CROP,

and the only certain way, would be to cultivate these lands after the rainy season. After much persuasion, the ryots tried it last year. They used the drain water, but were threatened with heavy fine. The irrigation channels can not supply water so late in the season.

I could go on and relate a good many more disappointments which I have experienced in my connection with the land question. I am inclined to say to younger Missionaries:—Leave it alone and do not meddle with it. On the other hand, even Government officers have encouraged me and said:—Go on! You do good to the people and in the end you will succeed. Although we have had no Government officers here who helped our Christians to land on such favourable terms as in Rev. A. Andrew's case, still I have no reason to despair. I still believe that much waste land can be brought under the plough and become the means of feeding many Christians. If our Christians were willing to work hard, to work more than Hindus do in general, and especially if our educated Christians would make their knowledge subservient to manual labour, the Panchama settlement would be a success.

(1) G.O., No.513, Revenue, d/3rd July 1890.

Government in connection with a proposal to sell[illegible]
by auction the LANDS NEWLY BROUGHT [illegible]NDER IRRIGATION IN KIS[illegible]
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(4) G.Os. Nos.569 Rev., d/4.8.'94 ~~and 886 Rev., d/25.1.'95~~.

The maximum extent that should be assigned on --
darkhast

Ootacamund
25th August 1898

Cus. 3038 of 1898.

The papers are in

(1) G.O., No.513, Revenue, d/3rd July 1890.

Government in connection with a proposal to sell by auction the LANDS NEWLY BROUGHT UNDER IRRIGATION IN KIS--NA decides to adhere to the view of 1860 that all waste -- lands in a village should ordinarily be disposed of under the Darkhast rules.

(2) G.O., No.153, Revenue, d/15th February 1892.

The Board's proposal to set apart 10 per cent. of the PERIYAR WASTE LANDS to resident ryots and to sell the rest, rejected and orders issued to permit the villagers to -apply for as much lands in their villages as they pleased, the balance, if any, being offered to outsiders under the ordi--nary Darkhast rules.

(3) G.O., No.1028, Revenue, d/7th October 1892.

The Government of India takes exception to (2)- remarking that "in villages where there is any large area of "waste land which derives its present or prospective value -- "solely from the project, the sale of such waste might, with- "-out impropriety, be allowed, provided that a moderate but "sufficient percentage of the area be reserved for free dis- "-tribution among the resident ryots".

(4) G.Os. Nos.569 Rev., d/4.8.'94 ~~and 336 Rev., d/25.1.'95~~.

The maximum extent that should be assigned on -- darkhast

darkhast to a resident ryot as per(5) fixed at an area bear an assessment of not more than 50 per cent. of that on his w holding.

(5) G.O.) No.506, Revenue, dated 1st October 1898.

The above rules extended to the lands under the RUSHIKULYA PROJECT and the Darkhastdars allowed to select wha they choose within the limit fixed in (4).

(6) G.O., No.402, Revenue, dated 20th July 1895.

To ensure prompt submission of darkhast applica-tions, the period for preferring them in (5) fixed at one ye after which the lands to be advertised for sale by auction.

(7) G.O., No.151, Revenue, dated 2nd March 1899.

The Ganjam Collector's proposal to restrict trans-fers in order to avoid collusion between strangers and resi-dent ryots rejected by the Board and Government.

G E N E R A L.

1. G.O., No.266, Revenue, dated 26th February 1884.

The Board's proposal to abolish the distinction bet-ween resident and non-resident pattadars vetoed by Government

11. G.O., No.1010, Revenue, dated 30th September 1892.

The proposal of the (Ag.Secretary as) Collecto of Chingleput to abolish the preferential right of pattadars i a village negatived by the Board and Government.

III. G.O.,No.406, Revenue, dated 12th May 1895.

The Board of Revenue declines to adopt the sugges-
-tion of several of the Collectors ~~and~~ to restrict the prefe
-rential right of adjacent landholders.

IV. C.O. No 841 Rev dy 28 11 94

Darkhast rules for Chingleput

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