

# Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1073

DATED 23<sup>rd</sup> Feb. 97

[Despatch Abstract.]

Copy to Mr. Ross the Officer on Special  
duty, Communication from the Govt of India  
re. Sanction accorded for extending the period  
of his deputation till 20<sup>th</sup> April 97, and addressing  
the Secy of State for a further extension  
of the period till 31<sup>st</sup> March 1898.

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
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# FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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## Revenue (1897) Department.

The Hon. Mr. Goss C. J. E.  
The Hon. Mr. Bliss C. J. E.  
H. E. The Governor

CURRENT No.

1404

Read C. M. 979 of 1897

+ 121404 of 1897

Order No. 1073 of 23 Feb. '97

From

A. T. Ross Esq. M.A. 5.

Officer on Special duty

No. 14

The letter from the Govt of India  
first read above will be communicated  
to the Officer on Special duty

2. The following dispatch will be  
submitted to the Right Hon. the  
Secretary of State for India.

Dated 13<sup>th</sup>

Received 15<sup>th</sup>

Registered 16<sup>th</sup>

Enclosures

Spare copies

## SUBJECT.

Reporting the difficulties  
the met in Malabar in the  
preparation of a Tenancy  
Bill for that district, and  
stating that he cannot hope  
to complete it by the 20<sup>th</sup>  
April next.

c. 1892/97.

BACK PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
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FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
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*Original*

FORT SAINT GEORGE.

REVENUE (1897) DEPARTMENT.

(Copy.)

LETTER to the Right Honourable the Secretary of State  
for India.

No. 3., dated 9<sup>th</sup> March 1897.

REQUESTING the sanction of the Right Hon'ble the Secretary of State for India  
for the continued employment of Mr. H. T. Ross, I.C.S., up to 31st March 1898, on  
special duty in connection with the General and the Malabar Tenancy Bills.

No. 3, REVENUE, 9<sup>th</sup> MARCH 1897.

## REVENUE DEPARTMENT.

To

THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA  
IN COUNCIL.

My Lord,

With reference to your Lordship's despatch, No. 168, Revenue, dated 24th December 1896, we have the honour to request that the deputation of Mr. Ross on special duty may be extended up to 31st March 1898 under the following circumstances.

2. In paragraph 2 of our letter to the Government of India which forms an enclosure to the letter from that Government to your Lordship No. 338, dated 11th November 1896, it was stated that Mr. Ross was in hopes of being able to finish the General Tenancy Bill and take up the Malabar Tenancy Bill by the beginning of September 1896, but he was not able to do so until October last. After a preliminary study of the papers on the subject, he toured through Malabar, from the end of October to the beginning of December 1896, examining representatives of the various classes interested in the land, collecting information and discussing with a variety of persons the different points which must be considered in framing any Tenancy Bill for that district. He has since been engaged in sifting, arranging and writing out the mass of rough notes then made by him and studying the papers and other materials placed before him by different persons in Malabar.

3. Mr. Ross now reports that considerable difficulty was experienced by him in ascertaining the real facts and in devising practical remedies; that without revisiting the district and making further inquiries on several points he cannot feel safe in drafting a Bill; that he could not do so without preparing a digest of the reported cases on Malabar Land Law on which he is now also engaged; and that during his next tour, which he will be ready to make next month, points which may require further enquiry and discussion will be settled in the light of the decided cases. Even after further local enquiries have been completed, it will necessarily take some considerable time to complete the draft and the explanatory note which the complexity and importance of the case demands. In the meantime, there will also be a certain amount of work to be done in connection with the General Tenancy Bill, after it has been approved by us, in the way of throwing it into final shape for submission to the Government of India. Mr. Ross states, and we agree with him in considering, that in these circumstances and in view of the great caution with which, for political reasons, the Malabar Tenancy question has to be approached, it will be impossible for him to fix a date for the completion of his special duty. To avoid further application, sanction is solicited once for all to his continued deputation up to 31st March 1898 on the understanding that the work will be finished as soon as possible before that date.

Despatch.

No 3 of 1897

To

The Right Hon. The  
Secretary of State for India

My Lord,

With reference to your Lordship's despatch No 168 Rev: dated 24<sup>th</sup> December 1896, we have the honour to request that the deputation of Mr. Ross on special duty may be extended up to 31<sup>st</sup> March 1898 under the following circumstances.

2. In para 2 of our letter to the Govt of India which forms an enclosure to the letter from that Govt to your Lordship No 338 dated 11<sup>th</sup> Novr 1896, it was stated that Mr. Ross was in hopes of being able to finish the General Tenancy Bill and take up the Malabar Tenancy Bill by the beginning of September 1896, but he was not able to do so until October last. After a preliminary study of the papers on the subject, he toured through Malabar, from the end of October to the beginning of December 1896, examining representatives of the various classes interested in the land, collecting information and discussing with a variety of persons the different points which must be

Despatch No. 3 of 1897  
copy made 12-12-97

89

12/12/97

But see below

be considered in framing any Tenancy Bill for that district. He has since been engaged in sifting, arranging and writing out the mass of rough notes then made by him and studying the papers and other materials placed before him by different persons in Malabar.

3. Mr Ross now reports that considerable difficulty was experienced by him in ascertaining the real facts and in devising practical remedies, that without revisiting the district and making further inquiries on several points he cannot feel safe in drafting a Bill, that he could not do so without preparing a digest of the reported cases on Malabar land law on which he is now also engaged and that during his next tour, which he will be ready to make next month, points which may require further enquiry and discussion will be settled in the light of the decided cases. Even after further local enquiries have been completed, it will necessarily take some considerable time to complete the Draft and the explanatory note which the complexity and importance of the case demands. In the meantime there will also

be a certain amount of work to be done in connection with the General Tenancy Bill, after it has been approved by us, in the way of throwing it into final shape for submission to the Govt of India. Mr Ross states, and we agree with him in considering, that in these circumstances and in view of the great caution with which, for political reasons, the Malabar Tenancy question has to be <sup>approached</sup> ~~settled~~, it will be impossible for him to fix a date for the completion of his special duty. To avoid further application, sanction is solicited once for all to his continued deputation up to 31<sup>st</sup> March 1898 on the understanding that the work <sup>will be</sup> finished as soon as possible before that date.

By the request that your Lordship's sanction may be telegraphed to us.

As per the order of the following effect:—  
The importance of the duty on the Malabar is engaged a series of the facts that Malabar is notoriously under-assessed, that it has been determined to settle introduce a Revenue Settlement into it, that a report has been before Govt since Sept 1894, the late Mr. R.D. J. Rev. recommends an increase of revenue on the assessed value of Malabar to Rs. 15,700, & shows that Rs. 1,10,700 more will be brought to account on unassessed cultivation, & that Govt. has unanimously decided that the Revenue Settlement <sup>can</sup> be introduced with a Tenancy Law has been passed.

Rev. J. J. J.

AK  
17.2.97

For L. B. George }  
9<sup>th</sup> March 1897 }

AK 25/2/97

4. The importance of the duty on which Mr. Ross is engaged is shown by the facts that Malabar is notoriously underassessed; that it has been determined to introduce a Revenue Settlement into it; that a report has been before Government since September 1894, in which the Board of Revenue recommends that, at Settlement, an increase of revenue on recorded cultivation amounting to Rs. 12,45,920 shall be imposed, and shows that Rs. 1,10,780 more will be brought to account on unrecorded cultivation; and that Government has unanimously decided that no Revenue Settlement can be introduced till a Tenancy Law has been passed.

5. We request that your Lordship's sanction may be telegraphed to us.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble servants,

(Signed) A. E. HAVELOCK.

( " ) H. W. BLISS.

( " ) J. GROSE.

FORT ST. GEORGE,

9<sup>th</sup> March 1897.

Exd. Shaik Kurin.

10 Copies.

From

H. T. Ross Esquire, M. A. , I. C. S. ,

Officer on Special Duty.

To

The Honourable Mr. G. Stokes, I. C. S.,  
Ag. Secretary to Government.

Dated, Fort St. George, 13 Feb. 1897.

Sir,

With reference to G. O. Revenue Department, No. 3688 Mis. dated 29th September 1896, directing me to report, after visiting Malabar, what difficulties are likely to be met with in the preparation of a Tenancy Bill for that District, and to the sanction of the Secretary of State to my continued deputation on special duty up to 20th April next, I have now the honour, in reporting the difficulties to be met in Malabar, to state that I cannot hope to complete my Special Duty by the date named, and that an extension of my term will accordingly be necessary.

2. It was not till October last, when I had completed the General Tenancy Bill for the rest of Madras, that I was enabled to take up the question of Malabar Tenancy; and after a preliminary perusal of the papers on the subject, I proceeded at the end of October on tour in Malabar, examining representatives of the various classes interested in the land, collecting information and discussing with a variety of persons the different points which must be considered in framing any Tenancy Bill for that district, namely - occupancy right, the true nature of the kanom tenure, the regulation of renewal fees, the melcharth system, the protection of the actual cultivator, the fixing of fair rents, the summary recovery of rent, the responsibility for the Government assessment, the disposal of waste lands, compensation for improvements, non-eviction from the actual dwelling-place (kudiyirup), and other points of less importance.

5. The Government of India, while acknowledging, in para 3 of

of Mr. Ibbetson's letter No. 2502/236-4, d/ 29th August 1895, the great difficulty and complexity of the subject, appeared to consider, in para 11 of the same letter, that the reports and papers already on record afforded ample material on which to frame a comprehensive Bill. But, after a perusal of the papers, it seemed to me plain that further enquiry was necessary for the two good reasons, if for no other, that in all that had been said and done on the subject the jemai had never really been heard, and that the sense of the people on the various points aforesaid, the real difficulties connected with them and their possible remedies, had never been sounded with an express view to legislation thereon. These, accordingly, were the two main objects of my tour.

4. The chief difficulties elicited, and which have to be met, are---

- (a) to determine, in the multitude of Malabar tenures, to what class or classes of tenants, if to any, and subject to what conditions, the right of occupancy can safely and equitably be granted, with due regard to the established view in law that the jemai has absolute ownership in the soil, and to the established view among the Malayali people themselves that the Kudiyan is there primarily for the assistance of his jemai in time of need
- (b) to define the true nature of the kanom tenure, and, according as it be treated as a mortgage, a lease, or a practically permanent tenure, to provide for the legitimate consequences of such treatment without disturbing existing rights:
- (c) to devise a fair and effective scheme for regulating and limiting renewal fees, particularly in the case of Stanis:
- (d) to find a safe course between the hardship of abolishing the melcharth system altogether in cases of bona fide necessity, and the danger of its being abused:
- (e) to protect the actual cultivator, where the system of tenures permits such a chain of intermediaries between him and the jemai, without in-

- interfering with reasonable rights of sub-letting
- (f) to frame a practical means of fixing fair rents so as to secure to the lowest tenant, in the chain a reasonable share of the net produce;
  - (g) to provide an effective and inexpensive summary procedure for the recovery of rent, without entrusting the power of distraint personally to the jemmi or to any intermediary landlord;
  - (h) to fix the responsibility for the Government assessment so as to prevent the whole burden of any extra assessment being thrown by the jemmi on the Kudiyan;
  - (i) to provide for the grant of waste lands by Government and for the protection of squatters against usurping jemmils, without confiscating private rights ;
  - (j) to lay down a simple and practical scheme of compensation for improvements, which shall give neither landlord nor tenant any undue advantage nor place them at the mercy of unreliable Commissioners ; and
  - (k) to protect the Kudiyan against eviction from his actual dwelling-place (Kudiyirup), without injuriously affecting the letting-value, to the jemmi, of the homestead lands.

5. Besides the difficulty arising, in the way of solving these problems, from the different conditions in North and in South Malabar, I have experienced considerable difficulty, owing to a variety of causes, in ascertaining the real facts and in devising practical remedies. These causes are--

- (i) the tension and want of confidence since Logan's Commission of 1881-82. The secret and one-sided character of that enquiry disturbed previous good relations : the jemmils took anticipatory measures against legislation which was expected to be solely in favor of the tenants : the tenants suffered in consequence, and the poorer tenants are afraid to come forward any more : and, seeing no outcome but the Tenants' Improvements Act in

in all these 15 years, all parties are sceptical as to anything being seriously intended or done even now.

(ii) the fear of the new Settlement.

(iii) the terrorism exercised by the Moplah tenantry over the jennis in Ernad and Walluvanad taluks.

(iv) the pressure of the official and pleader classes into whose hands more and more land keeps falling, and rather than displease whom, the jennis will take any steps to evict existing tenants.

(v) the extraordinary land-hunger of the people, which prompts the poorer to take land on almost any terms.

(vi) the general valuelessness of documents of tenancy, which rarely disclose the real conditions.

(vii) the peculiar facility with which, owing to the nature of the Malayali, any measure results in consequences the very reverse of those intended.

In an actual case which came to my notice, for instance, the jenni let an absolutely bare paramba on kanom, but, to defeat the Tenants' Improvements Act, had it recorded in the demise that the paramba contained a dwelling-house, 25 coconut trees, 5 jack trees &c. Thus, but for that measure, the tenant would not have lost his right to compensation for such improvements.

6. The result is that, though much of the ground has been cleared by my tour—since my return from which, in the beginning of December, I have been engaged in sifting, arranging and writing out the mass of rough notes then made by me, and studying the papers and other materials submitted to me by different persons in Malabar—yet I find that I cannot, without revisiting the district and pressing matters further on several points, feel safe in drafting and placing a Bill before Government. Nor could I do so without preparing a digest of the reported cases on Malabar land law. On this I am now also engaged. I am anxious, on my next tour, which I will be ready to make next month—not to miss any point which may be shown by the decided cases as well as by the experience of my last tour, to call for en-

enquiry or discussion. But even after I have completed that tour and find myself in a safe position to frame a Bill, it will necessarily take some considerable time before I can complete the actual Draft and the very full explanatory Note which the difficulty and importance of the case assuredly demands.

7. Meanwhile, there will also be a certain amount of work to be done on the general Tenancy Bill after it has passed - through the final scrutiny of Honourable Members--in the way of throwing it into final shape for submission to the Government of India, with a statement of objects and reasons and an explanatory letter.

8. In all these circumstances, and particularly in view of the great caution with which, for political reasons, the Malabar business must be done, I find it impossible to commit myself to any definite date for completion of my special duty. What I would suggest, therefore, is that, to avoid any further application of this kind, the sanction of the Secretary of State be asked to my continued deputation to the end of the next official year, that is up to 31st March 1898, on the understanding that I finish as much sooner than that date as I can.

9. I would also respectfully request that, in order to avoid difficulties as to my pay, the Government of India may be moved to sanction my continued deputation, as they were pleased to do on the last occasion, in anticipation of the Secretary of State's approval.

I have the honour to be,

Sir,

Your most obedient servant,



Officer on Special Duty.

# Revenue (1897) Department.

Hon. Mr. Gove C.I.C. **CURRENT No.**  
 Hon. Mr. Bhat. C.I.C.  
 H. & The Gov.

There are no orders for 6 months.  
 The questions are so important that they cannot be settled by the 2nd 150 appts. Mr. Ross has already shown that he is not doing his duty.  
 From The Govt of India  
 Rev. and Agr. & Dep. Secy.

Mr. Ross is an Deputation  
 under art: 94 of the C.I. Act.  
 The sanction of the Secretary of State expires on the 30th April 1897. i.e. in two months & 17 days from this time. In the expiration of the above sanction the Asst. General will refuse to pass any pay to Mr. Ross. I believe it is the wish and intention of Govt. to continue Mr. Ross, C.I.C., on special duty in connection with the Malabar Tenancy Bill of the C.I. Act. The sanction of the General Tenancy Act of the Govt. of Madras is needed to its continuance. The Asst. Secy. is taking to obtain that sanction.

Dated 27th January 1897.  
 Received 1st February.  
 Registered 3rd.  
 Enclosures 2.  
 Spare copies

**SUBJECT.**  
 Forwarding certain papers regard-  
 ing the deputation of Mr. H. J. Ross,  
 Esq. to continue Mr. Ross, C.I.C., on special duty in connection  
 with the Malabar Tenancy Bill of  
 the C.I. Act. The sanction of the General Tenancy Act of  
 the Govt. of Madras is needed to its continuance. The Asst. Secy. is  
 taking to obtain that sanction.

1/3/97.  
 C. 2/1/97

# BACK PAPERS.

| G.O. | No. | Department. | Date. |
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## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
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### NOTE FOR THE Secretary.

In reply to the Secretary's query on the accompanying D.O., it is submitted that the papers in question were circulated to the Hon. Members and H.C. the Govt. on the 4<sup>th</sup> instant and have not been returned as yet.

*Q.A. Com. the papers  
7/2/97  
What then is the  
in future?  
M. J. M.*



Revenue Secretariat,

9<sup>th</sup> Feb 1897.



*Why have the  
papers not been  
sent to the  
Committee?  
I have been daily expecting  
the G.O. communicating to me  
the Secy. of State's sanction up  
to 20<sup>th</sup> April — which I want  
as the theme of my applica-  
tion for an extension. Will  
you kindly have it sent to  
me as soon as possible, and*

*A. No. 338*

1896

## NO. 338 OF 1896. GOVERNMENT OF INDIA. FINANCE AND COMMERCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.  
Deputations and Deputation Allowances.

TO  
THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON,  
Her Majesty's Secretary of State for India.

Simla, the 11th November 1896.

MY LORD,

WE have the honour to forward for Your Lordship's information a copy of the papers marginally noted regarding the deputation of Mr. H. T. Ross, I.C.S., in connection with the preparation of the Malabar Tenancy Bill and the recasting of the Madras Tenancy Act.

2. The circumstances under which an officer has been specially deputed for this work are stated in the Government of Madras letter, No. 3335, dated 18th August 1895, which forms an enclosure to this Despatch. We have thought it advisable, in view of the importance and intricacy of the questions involved, to extend this deputation for a further period of 9 months and a few days, expiring on the 20th April 1897.

3. We trust that our proceedings will meet with Your Lordship's confirmation and approval. As the total period of deputation will thus exceed the limit of 12 months fixed by Article 97 of the Civil Service Regulations, we have the honour to report our action for Your Lordship's sanction.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) J. WESTLAND.

" M. D. CHALMERS.

" E. H. H. COLLEN.

No. 4815-Ex.

\* Original papers returned.

COPY\* forwarded to the Revenue and Agricultural Department, for information.

By order,

R. M. DANE,

Depy. Secy. to the Govt. of India.

*Schedule of Papers.*

Letter from the Government of Madras, No. 3336, dated 18th  
August 1896.

Letter to the Government of Madras, No. 4086, dated 31st  
October 1896.

*Copy.*

GOVERNMENT OF INDIA.  
FINANCE AND COMMERCE  
DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.  
Deputations and Deputation Allowances.

FROM

THE GOVERNMENT OF INDIA,

TO

THE SECY. OF STATE FOR INDIA.

No. 338.

*Dated Simla, the 11th November 1896.*

*Received*

Reports the deputation on special duty of Mr.  
H. T. Ross, I.C.S., in connection with the  
Malabar Tenancy Bill and the General Tenan-  
cy Act of Madras.

G. C. Press, Simla. -- No. 1094 C. F. -- 5-11-96, -- 70.

No. 374 Ex:

Government of India.

Finance and Commerce Department.

Calcutta, the 23rd January 1897.

Read-

Despatch from Her Majesty's Secretary of State for  
India, No. 168 (Revenue), dated the 24th December 1896, received  
on the 12th January 1897.

Ordered, that a copy be forwarded to the Revenue and  
Agricultural Department, in continuation of endorsement No. 4815  
Ex:, dated the 11th November 1896.

Ordered also that a copy, with a copy of the Despatch  
to which it is a reply, be forwarded to the Accountant General,  
Madras, in continuation of endorsement No. 4716, dated 2nd  
November 1896.

Sd. R.M. Dane,

Deputy Secy: to the Govt: of India.

Copy of a Despatch from Her Majesty's Secretary of State for  
India, No. 168, Revenue, dated the 24th December 1896.

I have received and considered in Council the letter  
of Your Excellency's Government in the Finance and Commerce  
Department, No. 338, dated 11th November last, reporting the  
circumstances in which you have deputed Mr. H.T. Ross for a  
period of 9 months and few days expiring on 20th April 1897 in  
connection with the preparation of the Malabar Tenancy Bill and  
the recasting of the Madras Tenancy Act.

2. Your proceedings are approved.



No. <sup>196-</sup>  
7/-1.

GOVERNMENT OF INDIA.  
DEPARTMENT OF REVENUE AND AGRICULTURE.

( L.R. )

Calcutta, dated the 27 January 1897.

Copy, with a copy of the despatch to which it is a reply forwarded to the Government of Madras for information, in continuation of letter No. 4086/337/4 dated the 31st October 1896.

By order,

*[Signature]*

*Under-Secretary to the Government of India.*

*List of Papers forwarded.*

Despatch to the Secretary of State No. 338 dated 11th November 1896.

From the Financial Department No. 374 Ex: dated the 23rd January 1897  
with enclosure.

For given for copying

For copied

For examined

For signed

189

For given G.O. No.

DATE

For given No.

For given to O. No.

For Government

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For Government

For given with date

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