

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1188

DATED 2^d March

[Despatch Abstract.]

Recording Progs of the Legislative Departt
Commg. to the Revenue Departt and to the
Select Committee on the bill further to
amend the Madras Rent Recovery Act
VIII of 1865 a petition from certain Tenants
and Mirasidars of Chingliput Dt. on the
subject of the amendment of Madras
Act VIII of 1865.

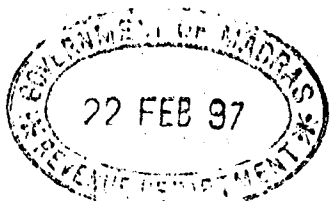
BACK PAPERS.

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

FURTHER PAPERS.

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Government { 1897 } of Madras. LEGISLATIVE.



Recd.

Enclosures

Regd.

1897.

Spare copies 5.

G.O., No. 10, 13th February 1897.

FEBRUARY.

G.O. No. 1188 of 22 Feb 1897

Recorded.

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26/2/97

List

Bill further to amend the Madras Rent Recovery Act VIII of 1865.

Communicating to the Revenue Department and to the Select Committee on the — a petition from certain tenants and mirasidars of Chingleput district on the subject of the amendment of Madras Act VIII of 1865.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following petition of the Tenants and Mirasidars of Shrotriern, Inam, Mitta and petty Zamins situated in the district of Chingleput:—

That, under the Rent Recovery Act VIII of 1865, the tenants seem to have been classified impliedly under two headings, viz., tenants who have saleable interest in the land, and tenants who have no such interest or tenants who are entitled to hold under occupancy right and tenants-at-will.

2. That, under the said Act, the relationship between landholder and tenant is created every year by the acceptance of a putta from the landholder and giving of a muchalka by the tenant and without that the former would not be entitled to recover any rent from the latter.

3. That, under the said Act, there are several classes of landholders such as zamindars, shrotrierns, mittadars, inamdars and holders of land under ryotwary settlement.

4. That with the exception of persons who hold land under ryotwary settlement, no other landholder of the above class has got saleable interest in the land and the position of the tenants who hold lands in the villages other than that directly paying the rents to the Government is miserable.

5. That the landholders such as shrotrierns, inamdars, mittadars, excepting big zamindars, are insignificant men paying few hundred rupees to the Government.

6. That the landholders referred to in the above paragraph are not entitled to any interest in the land beyond that of collecting kist from tenants and pocketing the differences after paying the Government.

7. That the Rent Recovery Act armed these petty landholders with enormous powers so as to make the tenants their slaves and such powers further enable them to worry and annoy them and put them to an endless litigation.

8. That the landholders are entitled to the assistance of the police to ruin and plunder the tenant's property and bring them to so-called submission under the colour of the said Act and under the name of rioting.

9. That the prosperity and welfare of the people holding lands within such villages cannot be at their heart, but that of pocketing few rupees at the cost of the tenants whom unluckily Providence has placed within their province as their property is concerned.

10. That the lands in the villages subjected to the tyranny of landholders referred to in paragraph 5 are not permanently settled by proper authorities which enables the said landholders to alter the rents to high rate and introduce new conditions whenever they please.

That they convert the roka (paying the rent in cash) putta lands into warrum (half the produce) puttas very easily when they happen to be influential with the authorities, and so the state and condition of the tenants are not safe, secure and prosperous.

11. That the sources of irrigation are utterly neglected in such villages for want of repairs, but they never cease to realize the full amount of assessment.

12. That the value of lands in such villages, instead of raising as time advances, is going down, but that of taravari lands are raising every day.

13. That from these your Excellency in Council can see clearly that the cause should be utter negligence to the irrigation sources, oppression in collecting the rent, and dragging the poor tenants to an endless litigation.

14. That in addition to the so many advantages to the annoyance of the tenants and the powers conferred by the said Act, if the landholders referred to in paragraph 5 happen to be influential men or possessing wealth or both, the state and condition of the poor ryots are an unutterable and are reduced to nothing because the proverb "might is right" becomes applicable to them as the poor ryots cannot raise their voice to reach your Excellency's ears.

15. That by reason of the Rent Recovery Act being vague, summary and giving room for doing all sorts of injustice and incomplete, and also by reason of the Civil Courts wrongly being of opinion that they cannot set aside the orders of the Revenue Courts on merits in regular suits, the tenants are placed entirely in the hands and mercy of landholders referred to in paragraph 5.

16. That the last paragraph of section 10 of the said Act provides that if a tenant fails to accept a putta within ten days from the date of the Collector's order, the tenant should be ejected, but it do not say under what conditions and for how long he should be deprived of his lands.

17. That, under section 41, a tenant who has no saleable interest in the land and who is in arrears may on application by the landholder be ejected, if he does not pay the arrears of rent within fifteen days from the time, a copy of warrant to eject issued to the police officer under sections 42 and 43 of the said Act being served on him.

18. That, further under section 44 of the said Act, an opportunity is given to such an injured tenant to bring a civil suit in a Civil Court for the recovery of the possession and to set aside the orders of the Collector.

19. That, while the interest of tenants who have no saleable interest in the land is well protected either by allowing him to pay the arrears of kist, if any, or to establish his claim in a Civil Court for the recovery of possession of his lands, the interest of ryots who have saleable interest and who are not in arrears, but whose only sin is that they failed to accept a putta, is not supposed to be protected in the above manner.

20. That, for any amount of injustice either in the hands of the landholders referred to in the 5th paragraph or revenue authorities, they have to quietly give up their lands and go without any remedy. No amount of money would get back their lands for not accepting a putta as stated in the 10th section that is the mistaken presumption of law held by the lower courts.

21. That the landholders are entitled to only kist. To secure such interest, the Act provides provisions to realize such kist by the attachment and sale of their property or imprisonment even if they fail to give a muchalka as per order of the Collector under section 10.

That ever since the passing of the said Act, amendment of the same to remedy such anomalous provisions has been contemplated, but not carried out.

That it do not seem to be reasonable and equitable the tenant should be ejected under the last paragraph of section 10, if he do not accept a putta within ten days from the date of the order, when a provision is made for the realization of the arrears otherwise.

That the object of the legislature could not have been to eject a tenant simply for not accepting a putta as stated without giving an opportunity either to pay the money on a warrant being issued as stated in sections 42 and 43 or to bring a regular suit in a Civil Court.

22. That, however, the ministers of law have brought into practice erroneously to issue orders to the police authorities to put the landholders unconditionally at once in possession of the property worth thousands of rupees for few rupees due to the landholders.

23. That, if the non-acceptance of the putta is considered as a contempt of the court's order, the Government should take possession of it and not the landholder should be put in possession.

24. That, when landholders have opportunities to get valuable lands in the said manner, will your Excellency believe for a moment that they will not spare fair or foul means to deprive the tenants and enrich themselves?

25. That the last paragraph of the 10th section is really a deadly weapon in the hands of the landholders referred to in paragraph 5 and revenue authorities. No reason seems to appear why the landholders should be given the option of ejecting tenants or recovering the amount in the aforesaid manner.

26. That the allowing to exist two provisions simultaneously is really not equitable. The Government do not turn out its tenants for not paying its kist.

27. That the act of the Government in placing, though unintentionally, its tenants entirely at the mercy of the landholders, referred to in paragraph 5 with the said powers is really a mistake and not the act of a parental Government. The sooner it is removed the better for the prosperity of the tenants and for the courts as their doubts will be cleared.

28. That to secure one inch of land of the subjects of Her Majesty so many enactments have been framed carefully. The High Courts of Judicature have been established. However, no attention has been given to secure the peace and happiness of the same subjects of Her Majesty who were and are handed over to the petty and said selfish landholders.

29. That the procedure under the said Act is summary and it cannot be carefully and honestly under the said circumstances handled by revenue authorities.

30. We therefore beg your Excellency to amend the Act and bring into force so as to make it applicable to all suits, appeals and application pending by removing the last paragraph of section 10 namely, "If, within ten days from the date of the Collector's judgment the defendant shall not have accepted the putta as approved or amended by the Collector as aforesaid and shall not have execute a muchalka in the terms of the said putta, the Collector, on application made to him by the plaintiff and on proof of such default on the part of the defendant, shall pass an order for ejecting the defendant" or distinctly to state by adding "that he shall be ejected in the manner provided in sections 42 and 43 of the said Act subject to the same being set aside within six months from the date of the dispossession" and for such other order or amendment as your Excellency thinks fit.

For this act of kindness, your petitioners shall ever pray.

(Signed) C. VIJIARAGAVULU NAIDU and others.

ORDER—No. 10, Legislative, dated 13th February 1897.

Communicated to the Revenue Department and to the Select Committee on the Bill further to amend the Madras Rent Recovery Act VIII of 1865.

(True Extract.)

To the Revenue Department. *with 5 Sc.*

„ Select Committee on the Bill further to amend Madras Act VIII of 1865.

Exd. C. M. Thumbarwamy.

When given for copying _____
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When signed _____

189

READ AGAIN G.O., No.
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DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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