

PRESS SERIES.

G.O., No. 521

Dated 2nd July 1897.

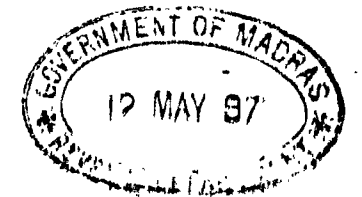
[Despatch Abstract.]

Grazing fees.

Passing orders on Board's report
regarding levy of — in the Rampa
forests, Godavari district.

Revenue (1897) Department.

CURRENT No. 3988



From

The Board of Revenue,
Forest.

No. 412 Hls.

Dated 7th May 1897.

Received 2.5.97

Registered 3.5.97

Enclosures 5

Spare copies

SUBJECT.

Submitting to Govt. with
reference to G.O. No. 396, dated 7th
August 1896 report re: levy of gra-
zing fees in the Rampa Forests,
Godavari District.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue (Land Revenue)

No.4628 Misc., dated 10th October 1896

Read the following :-

1. Proceedings of the Board of Revenue, Forest, No. 785 Misc., dated 3rd June 1896.

2. Also Proceedings of the Board of Revenue, Forest, No. 419, dated 11th September 1896.

Copy attached

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Resolution

The amount paid by the renters of agency villages is stated to be generally not subject to alteration and in the Board's opinion it can be taken to include only such fees as are leviable on the cattle owned by the Agency ryots themselves and not fees chargeable on the delta cattle grazed by the ryots with the permission of the renters. This special payment should be separately collected in addition to the rent of the several villages.

2. The Collector is requested to report whether any special difficulty will be felt in realising the fees in addition to the existing rent.

3. The Collector is also requested to report what arrangements he would propose for ascertaining the number of Delta Cattle grazed and for collecting the fees leviable in respect of them.

(True Extract)

/signed/ R.C.C. Carr

Secretary.

(True Copy)

To

The Collector of Godavari.

[Signature]
Secretary

1896.
Board of Revenue
(Land Revenue),
MADRAS.

To

True Copy of Board's

Proceedings Forest No. 4628 Misc.

Dated 10th October 1896.

Subject.

BOARD OF REVENUE (LAND REVENUE), FOREST NO 419, 11TH SEPTEMBER 1896.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—the following Government Order, No. 396, Revenue, dated 7th August 1896:—

Read—again Government Order, No. 31, Revenue, dated 9th January 1892.

ABSTRACT.—Approving and sanctioning the recommendation of the Board of Revenue that such concessions as have been or may be given to the *Koyas* be extended to the *Telagas* resident in Government villages in certain divisions of the Gódávári Agency tracts.

Read—again Government Order No. 654, Revenue, dated 26th September 1895.

ABSTRACT.—Agreeing with the Board of Revenue and accepting its proposals in regard to the reservation of forests in the Polavaram division, Gódávári district.

Read—also Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 783, dated 3rd June 1896.

ABSTRACT.—Submitting, for the orders of Government, with remarks, the proposals of the Acting Special Assistant Agent, Gódávári, regarding the collection of grazing fees in the Agency tracts of the district.

Order—No. 396, Revenue, dated 7th August 1896.

Forest No. 171.

In the second of the Proceedings read above the Government sanctioned the extension to the *Telagas* of the Polavaram division of the privilege enjoyed by *Koyas* of grazing their cattle free of charge in the Government reserves in that division on the ground that a similar concession had been made in Government Order, No. 31, dated 9th January 1892, to the *Telagas* of Bhadrachalam and Rékapalle. Mr. C. G. Spencer, the Acting Special Assistant Agent, now reports that the local officers did not intend to recommend that the *Telagas* of the Polavaram division should be permitted to graze their cattle free of charge in forest reserves, but merely that they should not be prohibited from grazing their cattle therein on payment of the usual fees. He points out that at the time of the enquiry conducted by himself and the District Forest-officer several *Telagas* expressed their willingness to pay grazing fees, that the *Telagas* form the bulk of the agricultural population of the division and are almost as civilized as the ryots in the plains, and that there is no analogy between the concession granted to the same classes in Bhadrachalam and Rékapalle and the privilege conferred in Polavaram, because in the former case the number of *Telagas* living in Government villages is insignificant and *Telaga* residents in proprietary estates are not exempt from the payment of grazing fees. The Conservator and the Board agree with Mr. Spencer in considering that in these circumstances the privilege granted to the *Telagas* of Polavaram in Government Order, No. 654, dated 26th September 1895, should be withdrawn. The joint recommendation of these authorities will be accepted by Government.

2. Mr. Spencer next proposes to raise the grazing fees leviable in Yellavaram division from six pies to two annas per head of cattle. It appears that the number of cattle brought from the plains to be grazed in the Government Agency forests is far higher than was originally estimated, and that for each head of cattle so brought the hill ryots are in the habit of collecting a regular fee of three or four annas. The Conservator and the Board support this proposal, and the Government agrees with them in considering that the grazing fee on such cattle should be raised from six pies to two annas per head.

Orders on the question whether the grazing fees leviable in this division should be included in the land revenue demand as heretofore will be passed on receipt of the views of the Board of Revenue in the Land Revenue Department.

3. In the Rampa forests also, according to Mr. Spencer, cattle are brought from the plains for grazing purposes though to a less extent than in Yellavaram, and similarly herds of cattle driven from Bastar and Jeypore are grazed in the Rampa forests on their way to the plains for sale at Gokavaram and other markets. In respect of these cattle it is customary for the muttadars and ryots to levy grazing fees and in the case of cattle sent up from the plains for pasturage it is stated that the usual fee is two rupees for grazing a pair of bullocks for five months, out of which the ryot takes Re. 1-8-0 for himself and pays eight annas to the muttadar. As the rights of the Rampa muttadars have been commuted for a money payment and the forests resumed by Government, the levy of these fees constitutes an irregular exaction; but inasmuch as there is no means of collecting grazing fees on behalf of Government except by the admission of Forest subordinates into the Agency, a course of action deprecated by the Board of Revenue and disallowed by Government on previous occasions, Mr. Spencer's recommendation is that the muttadars should be permitted to continue to enjoy this privilege on the strict understanding that the right of Government to collect grazing fees is merely in temporary abeyance to be enforced at any time Government may see fit. The Conservator is disposed to consider that the concessions now granted to the Rampa hillmen are already excessive and calculated to give rise to an impression that Government is afraid to claim the full exercise of its rights, but he does not specifically recommend the reconsideration of the orders already passed by Government in this matter—*vide* Government Order, No. 108, dated 10th February 1894, paragraph 9. The Board of Revenue is of opinion that the orders of Government are so clear that there can be no room for doubt as to the rights possessed by the muttadars in the Rampa forests, but suggests the desirability of issuing a carefully worded circular, to be explained by the Agent or his Assistant to the several muttadars, re-asserting the rights of Government and intimating that the present arrangement will be modified at its pleasure.

Before passing orders on this proposal the Government desires the Agent to submit a special report after consultation with his Special Assistant and the Forest Department as to whether the difficulties which impede the levy of grazing fees under a system of permits as cattle pass to and from the Rampa country are insuperable. It would be immaterial if some cattle evaded the fee, for they would be merely evading a lawful demand and there would be no doubt as to the position actually taken up by Government, namely, that a fee is payable for all cattle not belonging to the hill people which graze in the Government forests and lands. The imposition of such fees, the Government is disposed to think, would have a deterrent effect upon the levy of irregular exactions by the muttadars and the hill people and would pave the way towards a proper system of grazing fees when the country becomes more civilized.

4. The Special Assistant Agent further brings to notice a defect in the rules issued under section 26 of the Madras Forest Act in 1894 for Bhadrachalam—*vide* pages 9-11 of Government Order, No. 108, dated 10th February 1894. It was never the intention of Government to deprive the Koyas inhabiting the Bhadrachalam and Rékapalle taluks of the privilege of cutting podus without restriction in Government unreserved jungles. The Forest rules issued in 1894 however interfere with the

exercise of this privilege and must be amended. The draft notification submitted by the Board is accordingly approved subject to a slight verbal alteration and will be printed as an appendix to these proceedings and published in the Fort St. George and Gódvári District Gazettes.

(True Extract.)

(Signed) A. T. ARUNDEL,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue), with three enclosures.
" Judicial Department.
" Superintendent, Government Press.

APPENDIX.

NOTIFICATION.

In rule 3 of the rules under section 26 of the Madras Forest Act (V of 1882), for the Bhadrachalam taluk, published at pages 342-43 of Part I of the *Fort St. George Gazette*, dated 20th March 1894, after the words "that they may require for home consumption," insert the words "or for the purpose of clearing land for cultivation."

RESOLUTION—Forest No. 419, dated 11th September 1896.

Communicated to the Government Agent, Gódvári, and to the Conservator of Forests, Northern Circle.

2. The Collector is requested to submit through the Conservator the report called for in paragraph 3 of the Government Order.

(True Copy and Extract.)

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

To the Government Agent, Gódvári.
" Conservator of Forests, Northern Circle.
" Land Revenue Section.

1896.
Board of Revenue
(Land Revenue),
MADRAS.

Printed September 30th.

Proceedings, Forest No. 419, 11th
September 1896.

Communicating to the Government Agent, Godavari, and the Conservator of Forests, Northern Circle, Government Order passing orders on the question of grazing in the Godavari Agency tracts and issuing an addendum to the Bhadrachalam Forest rules; and requesting the Collector to submit, through the Conservator, Northern Circle, a report regarding the levy of grazing fees under a system of permits in the Rampa country.



Proceedings of the Board of Revenue
(Land Revenue)

No. 412 Misc., Forest, dated 7th May 1897.

Read the following :-

1. Again Board's Proceedings No. 419 Press, dated 11th September 1896, commg. to the Govt. Agent, Godavari and the Conservator of Forests Northern Circle, G.O. passing orders on the question of grazing in the Godavari Agency tracts and issuing an addendum to the Bhadrachalam Forest rules, and requesting the Collector to submit, through the Conservator, Northern Circle, a report regarding the levy of grazing fees under a system of permits in the Rampa country.
2. Endorsement of the ^{Conservator of} Forests, Northern Circle, R.C. No. 1229, dated 26th January 1897, forwarding with remarks, letter from the Government Agent, Godavari forwarding his Special assistant Agent's report regarding the levy of grazing fees under permit system in the Rampa country.
3. Letter from the Collector of Godavari, Dis. No. 1394/ Forests, dated 27th January 1897, proposing to levy the grazing fees from the owners of the cattle at Revenue stations.
4. Memorandum from the Under Secretary to Govt. Revenue Department, No. 57 R., dated 26th February 1897, requesting the Board to expedite the submission of the report regarding the ~~system~~ question of grazing in the Godavari Agency.
5. Also Memorandum from the Ag. Asstt. Secretary to Government, Revenue Department, No. 95, dated 1st May 1897, requesting the Board that the submission of the Special report called for in G.O. 596, d/ 2-8-96, regarding question of grazing in the Godavari Agency forest may be expedited.

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Resolution

Submitted to Government with reference to G.O. No. 396, dated 7th August 1896.

2. In G.O. No. 103, dated 3rd February 1890, the Rampa forests were decided to be State property & in G.O. No. 1280, dated 21st December 1892 the Muttadars and Nokhasadars, who derived a large income from these forests, were, out of equity & policy, ordered to be compensated for the loss which they would sustain by the State assuming the control over the forests. The Muttadars, nevertheless, continued to levy fees on cattle coming into the Rampa forests for grazing ~~xxxx~~ purposes as also on cattle passing through them to the plains for sale, and the Board in para 4 of its Proceedings F.No. 783 Misc., dated 3rd June 1896, suggested that it would be advisable to issue a carefully worded circular, reasserting the rights of Government to these forests. This suggestion was made as there was no means of collecting grazing fees on behalf of Government, the forest subordinates being prohibited from entering the forests (Vide G.O. No. 103, dated 3rd February 1890 & No. 108, dated 10th February 1894). In para 3 of its order, quoted in the preceding paragraph, the Government deferred passing orders on the point in question pending the submission of a report by the Agent, after consultation with his Special Assistant and the Forest Department, as to whether the difficulties impeding the levy of grazing fees under a system of permits as cattle pass to & from the Rampa country were insuperable. This report is contained in the first of the letters read above.

3. The Special Assistant Agent states that as the right of Government remains unexercised, the Muttadars fail to realise that they cannot levy grazing fees. He considers that even if Government should begin to exercise its rights, the result will be that, until the maximum fees are levied, the owners of the alien cattle will have to pay more for the grazing, and friction between the outsiders & the hillmen is likely to ensue, terminating eventually in the owners of alien cattle refusing to pay to the hillmen anything beyond mere supervision charges. It is added that the only really effectual method would be to attach a penalty to the levy of "pullari" or grazing tax. The Special Assistant Agent points out that in attempting to enforce this method care should be taken to avoid giving rise to any feeling of serious discontent, and to this end

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he proposes first to give the Muttadars & hillmen sufficient warning & to explain to them personally during the course of his tours that Government intends to charge grazing fees and that they should ^{abstain} ~~refrain~~ from levying any such charge on pain of some penalty. The Conservator supports this proposal and suggests that the new departure may commence from 1st July 1897 so as to allow of sufficient notice to all concerned.

4. It is also reported that the permit system can be introduced without much difficulty if Government is so disposed. The Special Assistant Agent proposes three Permit Issuing stations which the Conservator considers to be appropriate. The real difficulty in the Permit system appears to consist in having to differentiate between the cattle coming into the forests for grazing purposes and those passing through them for a single journey ^{for carriage} or for purposes of sale. This involves ~~the~~ investing subordinates with large discretionary powers, and there is always danger of such powers being abused. But in the ^{circumstances} ~~situation~~ there appears to be no alternative course, and the Special Assistant must endeavour to mitigate these possible evils by very careful and constant supervision.

5. Subject to the above remarks the proposals of the Special Assistant Agent & of the Conservator commend themselves to the Board. It is very essential that steps should be taken very ^{cautiously} ~~cautiously~~ & of this every one concerned seems to be well aware. It has not been stated what the nature of the penalty for breach of the rules regarding the illegal levy of grazing fees, is to be and on this point the Agent is requested to report further.

6. In para 3 of its Proceedings Forest No. 783 Misc dated 3rd June 1896, the Board in its Forest Branch approved the proposal of the Special Assistant to levy a fee of annas 2 on alien cattle coming for grazing to the Agency forests, it being left to the Land Revenue Section of the Board to deal with the question whether the fee should be included in the Land Revenue demand of each village. The Government postponed orders on this question pending receipt of the Board's views on the Land Revenue side. In its Proceedings

of October 10th, 1896 the Board enquired of the Collector whether any special difficulty would be felt in realising the fees in addition to the existing rent but the Collector in his reply of the 27th January 1897 read above reports that the fees are proposed to be levied from the owners of the cattle at Revenue Stations & not from the renters. It is noted that further report as to what these stations are to be is promised in time to admit of the new rules being introduced from the beginning of the next forest year ending 1st July 1897.

(True Extract)

Reccan

Secretary.

To The Secretary to Govt. R.D., with F.R. Nos. 293, 587 in original to be returned & with copy of B.P. No. 4628 Misc., dated

10-10-96.

The Collector of Godavari, through the Conservator of Forests Northern Circle.

M.R.H.

D 1,000-8-4-97.

Grazing in Yellavaram and Rampa

REVENUE DEPARTMENT.

C. No. 3988 of 97

From the Board of Revenue (Land Rev.)

Dated

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FOR ORDERS.

Sheldon: Mr. Froze C.S.I.
The Secy: Mr. Bliss C.S.I.

See note on p. 5 B.P.
The first point is whether the fees on the cattle of outsiders in Yellavaram and be collected & whether they should be included in the Land Revenue Demand of the Yellavaram village. I think the fees may be collected as proposed by the Com. from flagged A the cattle owners before the cattle enter Yellavaram, & I think the Bd (Land Rev) is right in considering that such fees cannot be collected under the village rules.

The second point is whether the introductions of Rampa can be stopped from leaving grazing fees for cattle grazing in the Rampa forests, & whether those fees can be collected by Govt. I do not think any attempt in this direction should be made. No fees can be collected inside Rampa by Govt, since it has been decided that no forest official except the Conservator shall enter it. It has been suggested that the fees

In accepting certain proposals made by the District Officers and the Board of Rev. on the subject of the grazing of cattle in the Qigney forests of the Godavari district, the Govt in its order no 396 of 7th Aug 1896 remarked

(1) that orders on the question whether the practice, reported to have been obtaining in the Yellavaram Division, of including the grazing fees in the land revenue demand, should be continued, would be passed on receipt of the views thereon of the Board in the Land Revenue Dept, and
(2) that before passing orders on the question as to the steps which should be taken to prevent

"would have a deterrent effect
"on the levy of irregular exactions
"by the Muttadars and the hill
"people and would pave the way
"towards a proper system of grazing
"fees when the country becomes
"more civilized"

2. The reports received from the Special Asst Agent, the Conservator and the Agent on the points above referred to, the Agent submits with its own views for the orders of Govt. Regarding the first point, the Agent states that he intends to levy the fees not from the renters but from the owners of cattle at revenue stations on the roads leading to the Agency tracts and that a report as to the stations proposed to be fixed will be furnished later on in time to introduce the new rules from 1st July next. The Agent has assigned no reasons for the change of policy now advocated by him, but from para 5 of Mr Spencer's report in G.O. N. 396 dt 7th Aug. 1896 and from para

para

FOR ORDERS.

might be levied on cattle entering Rumpu at the border. I doubt this. Outside the establishment of permits. Stations where will not pay their expenses & could be easily avoided; and the authorization of the levy. paid officials in charge to tax or exempt cattle as they choose - since the cattle of outsiders will stay in Rumpu or pass right through it are subject to the tax, & the cattle of Rumpu villagers and such bullocks who carry goods into Rumpu for a short distance & then return are not subject to it. It is also suggested that a penalty could be imposed on the Muttadars who collect grazing fees. The only penalty I can think of is the withholding of the assignments granted on account of the non-payment of taxes, or part of them. It could only be inflicted if it were proved that a Muttadard had collected grazing fees. This would be very difficult. As suggested in the note, the Hillman & Outsider will probably conspire to further to evade the rule imposing the penalty. Moreover the fees are collected by the villagers, as part of the care-taking charges: they are not uniform, & they are paid by the villagers to the Muttadars. It is only the villagers who could give direct evidence against the Muttadars & such evidence (even if the villagers can be induced to

as informant) will be tainted. Nor do I see any need for a carefully worded circular, as proposed by the AG in the P.O. recorded under no. 396 dt 7.8.96. It is already known that the Muttadars have the forests belong to Govt & not to them. It is an obvious consequence, as they must see, that unless expressly permitted by Govt to levy fees for grazing in those forests, they have no right to do so. Mr Hughes says they do not grasp the idea fully, but he thinks that an intimation of Govt to levy the fees to could be explained to them personally on tour by the Sp. Agent, & the fact that they have no right to collect grazing fees could be explained to them in the same way. Nothing more should be ordered now.

JJ
21/5/97
This seems rather a lame important conclusion. Perhaps it will do, to begin with. But I think that the Govt had better watch the matter & that if it is found that the Muttadars continue to collect the grazing fees, notwithstanding the intimation & be conveyed to them, their assignments should be withheld as a penalty. They should be made clearly understood that this consequence will

prevent the illegal exactions offered by the Muttadars on cattle grazed in the Rampa forests and to re-assent the rights of Govt in respect of the said forests, it desired to receive a special report from the Agent to the Governor, drawn up in consultation with his Special Asst and the Forest Dept as to "whether the difficulties which impede the levy of grazing fees under a system of permits as cattle pass to and from the Rampa country are insuperable", the existing orders in regard to the non-admission of Forest subordinates into the Agency tracts being left undisturbed. It was added "It would be immaterial if some cattle evaded the fee for they would be merely evading a lawful demand and there would be no doubt as to the position actually taken up by Govt, namely, that a fee is payable for all cattle not belonging to the hill people which graze in the Govt forests and land. The imposition of such fees, the Govt is disposed to think, would have

para 8 of the previous communication therein quoted, it will be seen that the system hitherto followed in the Gellavaram division has been to make a rough estimate of the receipts on account of grazing in March of every year by actually counting the number of cattle met with in the hill villages in that month and to deduct it from the rent fixed at Jambhandi for the several villages concerned. The census of cattle thus taken has already been found later on by actual examination to be highly defective, the "pullari" cattle from the plains generally arriving after the census above referred to is taken. No change is now made for the grazing of cattle belonging to resident ryots and the levy of fees ~~is~~ is thus restricted to the cattle from the plains. The Agent's proposal to establish permit-issuing stations on the roads leading to the Gellavaram division and to levy fees from the owners of cattle, instead of the renters, seems

flagged C

Certainly follow disbursement to orders; and ^{prevent} ~~to prevent~~ the matter from being overlooked, a further report should be called for on a fixed date. It is ~~to be~~ ^{to be} ~~that~~ ^{that} these petty mistakes should be allowed to have things all ~~the same~~ ^{the same}.

23/6/97

It was only intended to estimate the number of cattle actually belonging to the villagers. No extra was charged for them, but a portion of the village rent was calculated as due on account of grazing & credited to the Forest Dept.

* As supposed by the Rd. Pro 10.10.96 No 4628 Bm

~~Discontinued~~
~~Discontinued~~
~~Discontinued~~

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seems in these circumstances to be unobjectionable, though in view of the fact that the number of cattle which now come up from the plains is not large (the census of Sept 1895 showed the number as 8020), it is doubtful whether the proposed scheme, under which station houses will have to be constructed and a regular establishment maintained, could be more profitably worked than the one now in force, for at least some time to come i.e. until the people in the plains send more cattle to be grazed on the hills than they do now. It does not appear that pack bullocks and cattle for sale pass ^{thru} these forests. In regard to the question of the levy of grazing fees in the Rampa Country, though in the G.O. of Aug last the Govt was asked to draw up the report ^{himself} and the practice adopted by him of sending in ^{to Govt} communications from subordinate officers by mail was ^{was} ~~had~~ on more than one occasion objected to by Govt. (vide G.O. No 3057 of 31st July 1896), he has now merely

vide page flagged B.

I don't see why station houses & a new cat abt will be required. As I understand it the Village Headman is to collect the fee before the cattle leave the village, ~~and~~ ^{proposed} ~~may~~ ^{may} ~~be~~ ^{be} ~~applied~~ ^{applied} and it is only in cases of ~~the~~ ^{the} ~~where~~ ^{where} he does not ~~that~~ ^{that} the fees are to be ~~levied~~ ^{levied} ~~at~~ ^{at} ~~some~~ ^{some} ~~stations~~ ^{stations} along the roads. This proposal may be approved

I quite agree that fees should be levied for grazing in the Gellavaram ~~of~~ ^{of} ~~the~~ ^{the} ~~revenue~~ ^{revenue} ~~part~~ ^{part}, but I don't understand about these "stations" - ~~where~~ ^{where} ~~are~~ ^{are} ~~they~~ ^{they} ~~to~~ ^{to} ~~be~~ ^{be} ~~levied~~ ^{levied} ~~at~~ ^{at} ~~some~~ ^{some} ~~stations~~ ^{stations} - ~~where~~ ^{where} ~~are~~ ^{are} ~~they~~ ^{they} ~~to~~ ^{to} ~~be~~ ^{be} ~~levied~~ ^{levied} ~~at~~ ^{at} ~~some~~ ^{some} ~~stations~~ ^{stations} - ~~where~~ ^{where} ~~are~~ ^{are} ~~they~~ ^{they} ~~to~~ ^{to} ~~be~~ ^{be} ~~levied~~ ^{levied} ~~at~~ ^{at} ~~some~~ ^{some} ~~stations~~ ^{stations} - ~~where~~ ^{where} ~~are~~ ^{are} ~~they~~ ^{they} ~~to~~ ^{to} ~~be~~ ^{be} ~~levied~~ ^{levied} ~~at~~ ^{at} ~~some~~ ^{some} ~~stations~~ ^{stations} - ~~where~~ ^{where} ~~are~~ ^{are} ~~they~~ ^{they} ~~to~~ ^{to} ~~be~~ ^{be} ~~levied~~ ^{levied} ~~at~~ ^{at} ~~some~~ ^{some} ~~stations~~ ^{stations} - ~~where~~ ^{where} ~~are~~ ^{are} ~~they~~ ^{they} ~~to~~ ^{to} ~~be~~ ^{be} ~~levied~~ ^{levied} ~~at~~ ^{at} ~~some~~ ^{some} ~~stations~~ ^{stations} - 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merely forwarded by Eust (without any expression of opinion) the report received by him from Mr Hughes, his Special Asst. The point however does not seem to be of much importance and may perhaps be dropped. Mr Spencer, Mr Hughes' predecessor was, it will be remembered, of opinion that unless Forest Subordinates are admitted into the ^{agency} ~~reserves~~, grazing fees on behalf of Gout could not properly be levied and that as such admission was against the declared policy of Gout the only course open was to allow the mittadars to continue their illegal levy of grazing fees on the distinct understanding, however "that the right of Gout to collect grazing fees is merely in temporary abeyance to be enforced at any time Govt may see fit". The Board was inclined to agree with Mr Spencer and suggested "the desirability of issuing a carefully worded circular, to be explained by the Agent or his Asst to the several mittadars, reasserting

He has done so to the Bd
not to Govt. The C.M.
has probably nothing
to add in the matter

The Bd have stated whether
the proposed stations were
suitable without the loss of
time and in the

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"reasserting the rights of Gout and
"intimating that the present
"arrangement will be modified at
"its pleasure". The reference to the
Agent, mentioned in para 1 above,
as to whether the difficulties in the
way of the levy of grazing fees were
insuperable was made on the sugges-
tion of the then Secy, Mr Arnold,
the Hon Mr Goss in accepting
this suggestion noting as follows:-
"The Secy knows the country; so I
"will not object to a reference to the
"Collector, but I don't see how fees
"can be collected on all but a small
"proportion of these cattle. As the
"owners of these cattle on which a
"Gout fee is collected will have to pay
"the usual fees in Rampa, they will
"suffer. It seems to me that it would
"be sufficient to issue a circular to
"the effect that under existing circum-
"stances the mittadars are not entitled
"to grazing fees". On this, the Hon:
Mr Bliss wrote "I should certainly
"try, as the Secy says, to arrange for
"the levy of fees on account of Gout. Any
"way the mittadars should not be
"allowed to levy them". It has been
thought

thought necessary to quote the views of the Hms in extenso here as the wording of the G.O. issued in accordance therewith seems to have led Mr. Hughes, the Conservator and the Board, to suppose that the Govt wants to have the fees levied at all hazards if possible.

4. Mr. Hughes reports that in spite of all the instructions issued, the Muttadars do not grasp fully the idea that they cannot levy grazing fees, more especially as there is nothing to prevent them from doing so and that they have actually leased out the "pullari" to certain merchants of Bokawaram. He then states that the object of Govt in ordering the imposition of fees on its behalf is apparently "to gradually decrease the amounts exacted by the Muttadars and the hill people until they dwindle away altogether" and also "to emphasise more clearly the rights of Govt." The method suggested is, in his opinion, too indirect and not likely to be effectual. He thinks that for a long time to come i.e. until the maximum fees are levied, the

only

They see it is reported, that Govt don't levy these fees & apparently cannot prevent them from doing so.
 M.H. 12.6.97

viz. that Govt shd levy fees & so demonstrate the inequity of the Muttadar demands & thereby lead the low country men to resist these latter
 M.H. 12.6.97

This is what the Hms Mr. Govt apparently anticipates
 M.H. 12.6.97

Nature unknown
 M.H. 12.6.97

result of the levy of grazing fees by Govt will be that the owners of alien cattle will have to pay more than they do now and that if ~~discontented~~ they, knowing that the Govt is asserting its rights, refuse to pay anything to the hill men beyond mere supervision charges it is likely that the latter will prevent any outside cattle from coming to graze in the Rampa forests. The best method that could be adopted, according to him, is to attach a penalty to the levy of "pullari" not all at once as such a course is likely to create serious discontent but after he has personally explained to the Muttadars and the hill people during his tours that the Govt intends to charge grazing fees and that a penalty will be attached in future if they levy any such fees. Mr. Hughes in conclusion suggests that, if notwithstanding the circumstances stated by him, the Govt is still of opinion that fees on its behalf should be levied, three permit issuing stations may be established — one at Dakkavarani another at Vangalpudi and the third at Bokawaram, the permits being

being given as the cattle go into Rampa and "produced again on their exit at Gokavaram". He adds that the "permit issuing station should be fixed at this (Rajahmundry) side of the market, for lots of pack bullocks come and go every week from the Rampa to the Gokavaram market."

5. Mr Peet, the Conservator in forwarding the report of the Special Asst Agent recommends that the latter's proposal to allow him time to explain personally to the Mithadars and hill people that Govt intends to charge fees and therefore they must not and a penalty will in future be attached to their doing so may be accepted but suggests that the new departure should if possible be made by the beginning of the next forest year viz. 1st July. Mr Peet admits the necessity for proceeding cautiously in the matter and apparently agrees in all the views expressed by the Special Asst Agent. In regard to the issue of permits, however, he points out a difficulty about pack bullocks used solely

solely for purposes of carriage." ^{He} Peet considers that no hardship will be involved if the small fee of two annas is charged in the case of the bullocks that have to pass thro' the forests and will graze en route throughout the season but that the enforcement of the rule in all cases might amount to a loss for a single journey also. He however thinks that "it might be possible to arrange for the issue of free permits for pack bullocks going straight into Rampa and back again for trading purposes" the time allowed in the permits being calculated for through journeys and fees being leviable if the time is exceeded. He adds that "there will be practical difficulties but the traders are generally fairly well known". It is not clear what these practical difficulties are unless it be that the merchants might in collusion ^{each other and} with the people on the plains undertake to pass off the cattle belonging to the latter as pack bullocks. It is not stated what should be done in the case of bullocks taken from one market to another for sale through the

Report of the
Conservator
to the Government
at Rajahmundry
19th July 1904

the forests.

6. The Board, after giving a précis of the previous as well as the present correspondence on the subject, expresses its opinion that if the permit system is to be introduced, Forest Subordinates must of necessity be invested with large discretionary powers in the matter of differentiating between cattle coming into the forests for grazing purposes and those passing through them for a single journey either for carriage or for purposes of sale and that there is always the danger of such powers being abused. In the circumstances however the Board sees no alternative course and adds that "the Special Assistant must endeavour to mitigate these possible evils by very careful and constant supervision". In other respects the Board agrees in the views of Messrs Hughes and Peet; but as no information is given by them as to what the penalty to be imposed for on the hill people for illegal levy of grazing fees is, it has asked the Agent to report further on

on the point.

7. The question now for orders is

(1) whether in the circumstances reported by the Special Assistant Agent, the levy of grazing fees ^{in Rampa} on behalf of Govt. should be postponed, the Muttadars and the hill people being merely warned that they will be punished in case they levy the fees and if not

(2) whether sanction may at once be accorded for the levy of fees on behalf of Govt. at the stations proposed by the Special Asst Agent, leaving it to the latter to work the scheme to the best interests of the people concerned. The Board has already pointed out that no information is furnished as to the punishment to be awarded under item (1) above. It is submitted ^{point} that a ~~difficulty~~, which now has got touched upon is how, granting that a penalty is to be attached to the levy of grazing fees by the Muttadars, the crime is to be brought home to them. Mr Hughes has already expressed his opinion that

if the people on the plains refuse to give the usual fees to the hill men it is likely that the latter will prevent any outside cattle from coming to graze in the Rampa forests. The probability therefore seems to be that the hill men and the outsiders would in combination with each other try to make the order regarding ^{the} penalty a dead letter. The next point for consideration in this connexion is if fees are now levied now how long is the Govt to wait. The Special Asst Agent thinks that until the maximum fees are levied i.e. until a regular system of grazing is introduced the only result of the levy of fees by Govt would be that the owners of cattle would have to pay more for their grazing than they do now, and that the introduction of such a system, according to Govt, should not be attempted until the country becomes more civilized (see para 3 of G.O. No 396 of 7th Aug 1896).

8. On the other hand as pointed out by the Conservator and the Board, if the levy

of

Flagged A

of fees is made at outstations, the people are likely to suffer in more respects than one and unless special measures are adopted, the Muttadars are likely to continue to insist on the payment of the usual fees to them. These special measures must consist again in the attachment of a penalty to the levy of illegal fees and the difficulty that might be felt in detecting the offence or the offender has already been noticed above. Further the penalty should obviously take the form of a temporary or permanent curtailment or withdrawal of a privilege already conceded to the hill tribes (including the Muttadars) by the Govt as otherwise the latter would not be in a position to enforce such penalty. No easy solution of the difficulties noticed above suggests itself and the practical question as to what should be done is submitted for orders.

The amount at present paid them as compensation for the loss of their customary forest revenue might be stopped. But I submit, the difficulty is to prove a case (11/12/97)

11/12/97

As far as can be seen from the reports made the amount of revenue likely

to be raised from these
to fees in Rampa (even
in Tellavaram) is ~~so~~
so small as to be hardly
to worth ~~the~~ the establish-
ment trouble & hardship
pe involved.

is The main object of Govt
to appear to be to fully
a reserve its right to levy
co such fees when it
is becomes worthwhile to
to levy them. To this end it
a wd appear necessary to
in prevent the levy of the
a fees by the mittadars now
to or at least to make it
of quite clear that the levy
or of the fees by the mittadars
is unauthorized illegal.

do Apparently this may be
of done by first giving them
a sufficient warning &
co then in any case of prompt
pe continued inaction retrenching
is the compensation allowances
already made.

has to perhaps the mittadars
seu may be allowed ^{for the present} to collect the
as the agents of Govt and

The cases of Rampa and
Tellavaram are entirely different
13

How could any sensible estimate
be made?
13

then compensation allowances
reduced by the estimated amount
of the fees so collected?

Wiley
12-6-87

As long as Govt have to keep
Forest in this subordinate out-
of the Agency it seems impossible
to put an end to the big levy of
illegal exactions by these mittadars.
The whole difficulty lies in the
fact that there is no establishment
to bring these men to book. There
seems no insuperable difficulty
in levying a tax on cattle going
into Rampa but that tax
would fall on the mittadars.
Perhaps the best plan would be
to by proclamations first
and after a year or two to
enforce by the necessary
machinery.

Wiley

The Hon. Mr. Justice C. J. J.
(from order)

P.S.

10th 2/7/97

JG
30/6/97

Sum. 1/7/97

110
Reas. C.N. 3988 of 97.

Order No 521 of 2nd July 1897.

With reference to
G.O. No 396 Rev. dy 7th Aug.
1896, the Board of Rev. Sub.
mits with its remarks the
reports received by it from
the Special Asst. Agent, Go-
davari, the Conservator of
Forests, Northern Circle and
the Agent to the Governor,
Godavari, on the subject
(1) of the method to be adopted
in the collection of grazing
fees on cattle grazed in the
Yellavaram forests and
(2) of the steps that should
be taken to prevent the Muttah
dars from levying fees on
cattle grazing in the Rampa
forests and of the advisability
of collecting such fees on be-
half of Govt.

2. As regards the
first point the Govt. agrees
with the Board in considering
that the fees in Yellavaram
should be levied independently
of

under of the rent ^{was} ~~was~~ collected
in respect of the several villages
in the division. Before, however,
accepting the Agent's proposal
to levy the fees "from the owners
of the cattle at revenue sta-
tions on the roads leading to
the Agency tracts"; the Govt
desires to have definite in-
formation as to what the
"revenue stations" referred to
by ^{the Agent} ~~them~~ are; where they are
to be located, ~~how they are to~~
~~be constituted~~, and what they
would cost and whether this
cost is likely to be more or less
than the amount which may
be collected. The Board will
be requested to obtain and
furnish the necessary in-
formation at an early date.

2. In the circum-
stances stated in the Special
Asst Agent's report the Govt
~~also~~ considers it inadvisable for
the present to levy any fees
on its behalf for the grazing
of cattle in the Rampa forests.
~~The question as to how the~~
~~Mutahdars~~

No 433 Revdy
20th June 1894

The Board of Rev ^{with civil}
Judicial Dept

40/3 Yellavaram

20-23-7-97

Note

With ref. to the Hon Mr Govt's
note on page 5. ~~It is to be noted that~~
the H. Sec. ~~in the above note~~
~~states therein~~
"as I understand it the Village
Headman is to collect the fee
before the cattle leave the
village & it is only in case

the Govt appears of the
proposal that the Special
Asst Agent ^{in this town} should explain
to the mutahdars in his towns
that the Govt reserves to itself
the right to levy grazing fees
& that the levy of such fees
by the mutahdars is illegal.
They should also be cautioned
that continued exaction
of such fees on their part
will lead to the withdrawal
of the compensation allowance
which they at present enjoy
under E.O. The Agent will
report after the lapse of one
year from this date
the effect of the warning
above warning.

11/17/97
25/6/97

where he does not that
the fees are to be collected
"at revenue stations".
It is submitted that the Collector's
present proposal (Flag 4)
is to levy the fees from
the owners of the cattle
at revenue stations on the
roads leading into the
agency tracts. Fees are
not proposed to be levied
on any of the hill cattle
but only on any of the delta
cattle. This has always
been the practice (see page
flipped to of Mr Spencer
report). The Collector has
~~called~~ promised a further
report on the subject of these
stations. Submitted that it
may be assisted with reference
to the Hon Sir Henry Stein
note on page 5 as to the cost
of these stations. The point
not being one of essential
difference a draft G.O. is
submitted for approval
to save delay.

With regard to the
Militia, Sir the Hon Sir H. Stein

Rumpu

Very well
Jy

Approved
Jy

would go a little further
than the Hon Sir Henry Stein
and call for a report after
a fixed date as to the
effect of the warning
which the Hon Sir Henry Stein
agrees must be given the
Militia. In the Draft
G.O. a year has been
mentioned as the period
after which report is to
be made. This point is
submitted for approval
also to the Hon Sir Henry Stein
as it goes a little beyond
His orders.

H. M.
28/6/97.

Government { 1897 } of Madras.
REVENUE.

<i>Recd.</i>	}	1897.	<i>Enclosures</i>
<i>Regd.</i>			<i>Spare copies</i>

G.O., No. 521, 2nd July 1897.

JULY.

J

Grazing fees.

Passing orders on Board's report regarding levy of — in the Rampa forests, Gódvári district.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 412, dated 7th May 1897:—

Read—Board's Proceedings, No. 419, dated 11th September 1896.

ABSTRACT.—Communicating to the Government Agent, Górávari, and the Conservator of Forests, Northern Circle, Government Order passing orders on the question of grazing in the Górávari Agency tracts and issuing an addendum to the Bhadrácalam Forest Rules, and requesting the Collector to submit, through the Conservator, Northern Circle, a report regarding the levy of grazing fees under a system of permits in the Rampa country.

Read—the following letter from J. W. HUGHES, Esq., Special Assistant Agent, Górávari to the Government Agent, Górávari, dated Rajahmundry, 24th December 1896, Dis. No. 1876-S.A.A.:—

In reply to your Ref. No. 579-Agency, dated 7th October 1896, I have the honour to report as follows:—

The Deputy Tahsildar of Chórávaram, states that in spite of all the instructions which have been issued, the muttadars still do not grasp fully the idea that they cannot levy grazing fees. They cannot understand an order which is practically inoperative. They are told they must not collect pullari, but they know very well that there is nothing to prevent them from doing so. They enjoy a certain income therefrom and actually they leased out the "pullari" to certain merchants of Gokavaram.

2. The object of Government appears to be two fold. In the first place it is intended by the imposition of these fees to gradually decrease the amounts exacted by the muttadars and the hill people until they dwindle away altogether and in the second place to emphasize more clearly the rights of Government.

3. I think that for some considerable time at all events, say, until the maximum fees are levied, the only result of their imposition will be that the owners of the alien cattle will have to pay more for the grazing. If, however, I am wrong in this opinion it seems to me that there are likely to be disputes between the outsiders and hill men. The outsiders will soon learn that Government is asserting its rights and they may then refuse to pay anything to the hill men beyond mere supervision charges. On this, the hill men may very likely endeavour to prevent outside cattle from coming to graze in the Rampa forests at all. If I may be allowed to express the opinion, I think, the method proposed for putting a stop to the exaction is too indirect. The only really effectual method would be to attach a penalty to the levy of pullari. If this were done suddenly and without good warning it would perhaps be too drastic a measure and likely to cause serious discontent. But if I am allowed the course of my tours to explain personally to the muttadars and hill people that Government intends to charge grazing fees and therefore they must not, and a penalty will in future be attached to their doing so, I think our way would be simplified.

4. If, however, after considering all these circumstances, Government is of opinion that system of permits should now be introduced I consider there should be not much difficulty in doing so. It is true that some cattle would evade the tax; it is

also true that some cattle, going merely for purposes of sale or trade, would be improperly taxed, but the cases are not likely to be many if proper discretion is used. There should be three permit-issuing stations at all events. I suggest Lakkavaram for cattle coming from Bastar, Vangalapudi and Gokavaram for cattle coming from the delta, &c. The permits should be given as the cattle go into Rampa and should be produced again on their exit at Gokavaram; the permit-issuing station should be fixed at this (Rajahmundry) side of the market, for lots of pack bullocks come and go every week from the Rampa to the Gokavaram market.

Ref. on C. No. 579-A.-7 of 1896.

Submitted, through the Conservator, to the Board of Revenue (Land Revenue), in reference to paragraph 2 of its Proceedings, Forest No. 419, dated 11th September 1896.

(Signed) R. SHIPLEY,
Government Agent.

4th January 1897.

Endorsement by A. W. PEET, Esq., Conservator of Forests, Northern Circle, dated Viraghattam, 26th January 1897, R. C. No. 1229.

In forwarding I have the honour to remark that the question as regards Rampa is an anxious one, and on consideration I am inclined to recommend that the proposal of the Special Assistant Agent in paragraph 2 of his letter be adopted, namely, to allow time for him "to explain personally to the muttadars and hill people that Government intends to charge fees, and therefore that they must not, and a penalty will in future be attached to their doing so." A sanction must be attached to a law, and it seems to me on inquiry to be advisable to proceed carefully in the matter, and not to lay down the law and act on it without previous explanation. I would suggest that a definite date be fixed for the new departure; and the beginning of the new forest year, the 1st July, seems to be an epoch which would allow of ample notice.

2. The permit-issuing stations suggested seem appropriate. There is, however to my mind, a difficulty about pack bullocks used solely for purposes of carriage as if they are forced to take permits; the enforcement of the rule *might* amount to a tax for a single journey. If, however, such pack bullocks are used throughout the season for several journeys, the enforcement of the payment of the small fee of As. 2 would not be a hardship, for the cattle will undoubtedly graze in the forests *en route*. It might be possible to arrange for the issue of free permits for pack bullocks, going straight into Rampa and back again for trading purposes, the time allowed in the permits being calculated for through journeys, and fees being leviable if the time is exceeded.

Fees might be leviable after two or three such applications for free permits. There will be practical difficulties, but the traders are generally fairly well known.

Read—Memorandum from the Under Secretary to Government, Revenue Department, dated 26th February 1897, No. 37-R.

ABSTRACT.—Requesting the Board to expedite the submission of the report regarding the question of grazing in the Górávari Agency.

Read—also Memorandum from the Acting Assistant Secretary to Government, Revenue Department, dated 1st May 1897, No. 95.

ABSTRACT.—Requesting the Board that the submission of the special report called for in G.O., No. 396, dated 2nd August 1896, regarding question of grazing in the Górávari Agency forest may be expedited.

Resolution—Forest Mis. No. 412, dated 7th May 1897.

Submitted to Government with reference to G.O., No. 396, dated 7th August 1896.

2. In G.O., No. 103, dated 3rd February 1890, the Rampa forests were decided to be State property and in G.O., No. 1280, dated 21st December 1892, the muttadars and mokhasadars, who derived a large income from these forests, were, out of equity and policy, ordered to be compensated for the loss which they would sustain by the State assuming the control over the forests. The muttadars, nevertheless, continued to levy fees on cattle coming into the Rampa forests for grazing purposes as also on cattle passing through them to the plains for sale, and the Board in paragraph 4 of its Proceedings, Forest Mis. No. 783, dated 3rd June 1896, suggested that it would be advisable to issue a carefully worded circular, re-asserting the rights of Government to these forests. This suggestion was made as there was no means of collecting grazing fees on behalf of Government, the forest subordinates being prohibited from entering the forests (*vide* G.O., No. 103, dated 3rd February 1890, and No. 108, dated 10th February 1894). In paragraph 3 of its order, quoted in the preceding paragraph, the Government deferred passing orders on the point in question pending the submission of a report by the Agent, after consultation with his Special Assistant and the Forest Department, as to whether the difficulties impeding the levy of grazing fees under a system of permits as cattle pass to and from the Rampa country were insuperable. This report is contained in the first of the letters read above.

3. The Special Assistant Agent states that as the right of Government remains unexercised, the muttadars fail to realise that they cannot levy grazing fees. He considers that even if Government should begin to exercise its rights, the result will be that, until the maximum fees are levied, the owners of the alien cattle will have to pay more for the grazing, and friction between the outsiders and the hill men is likely to ensue, terminating eventually in the owners of alien cattle refusing to pay to the hill men anything beyond mere supervision charges. It is added that the only really effectual method would be to attach a penalty to the levy of "pullari" or grazing-tax. The Special Assistant Agent points out that in attempting to enforce this method care should be taken to avoid giving rise to any feeling of serious discontent, and to this end he proposes first to give the muttadars and hill men sufficient warning and to explain to them personally during the course of his tours that Government intends to charge grazing fees and that they should abstain from levying any such charge on pain of some penalty. The Conservator supports this proposal and suggests that the new departure may commence from 1st July 1897 so as to allow of sufficient notice to all concerned.

4. It is also reported that the permit system can be introduced without much difficulty if Government is so disposed. The Special Assistant Agent proposes three permit-issuing stations which the Conservator considers to be appropriate. The real difficulty in the permit system appears to consist in having to differentiate between the cattle coming into the forests for grazing purposes and those passing through them for a single journey for carriage or for purposes of sale. This involves investing subordinates with large discretionary powers, and there is always danger of such powers being abused. But in the circumstances there appears to be no alternative course, and the Special Assistant must endeavour to mitigate these possible evils by very careful and constant supervision.

5. Subject to the above remarks the proposals of the Special Assistant Agent and of the Conservator commend themselves to the Board. It is very essential that steps should be taken very cautiously and of this every one concerned seems to be well aware. It has not been stated what the nature of the penalty for breach of the rules regarding the illegal levy of grazing fees is to be and on this point the Agent is requested to report further.

6. In paragraph 3 of its Proceedings, Forest Mis. No. 783, dated 3rd June 1896, the Board in its forest branch approved the proposal of the Special Assistant to levy a fee of As. 2 on alien cattle coming for grazing to the Agency forests, it being left to the Land Revenue section of the Board to deal with the question whether the fee should be included in the Land Revenue demand of each village. The Government postponed orders on this question pending receipt of the Board's views on the Land Revenue side. In its Proceedings of 10th October 1896 the Board enquired of the Collector whether any special difficulty would be felt in realising the fees in addition

No. 1897.

of the 27th January 1897 read above there is a great distinction from the owners of the cattle at revenue plains and to mark that further report as to what these the Khonds who admit of the new rules being introduced from settled in the hill ending 1st July 1897. the foot of bourhood (True Copy and Extract.) are entirely much P.

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

Secretary to Government, Revenue Department, with F.R. Nos. 293, 387, in original (to be returned), and with copy of Board's Proceedings, Mis. No. 4628, dated 10th October 1896. Collector of Gódávāri, through the Conservator of Forests, Northern Circle.

ENCLOSURE No. 1.

ings of the Board of Revenue (Land Revenue), Mis. No. 4628, dated 10th October 1896:—

Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 783, dated 3rd June 1896.

also Proceedings of the Board of Revenue (Land Revenue), Forest No. 419, dated 11th September 1896.

Resolution—Mis. No. 4628, dated 10th October 1896.

The amount paid by the renters of Agency villages is stated to be generally not subject to variation and in the Board's opinion it can be taken to include only such fees as are leviable on the cattle owned by the Agency ryots themselves and not fees chargeable on the delta cattle grazed by the ryots with the permission of the renters. This special payment should be separately collected in addition to the rent of the several villages.

2. The Collector is requested to report whether any special difficulty will be felt in realising the fees in addition to the existing rent.
3. The Collector is also requested to report what arrangements he would propose for ascertaining the number of delta cattle grazed and for collecting the fees leviable in respect of them.

(True Extract.)

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

the Collector of Gódávāri.

ENCLOSURE No. 2.

Letter from V. A. BRODIE, Esq., Collector of Gódávāri, to the Secretary to the Commissioners of Land Revenue, Madras, dated Cocanada, 27th January 1897, Dis. No. 1394-Forests of 1896-97.

With reference to paragraphs 2 and 3 of Board's Proceedings, Mis. No. 4628, dated 10th October 1896, I have the honour to state I propose to levy the fees not from the renters but from the owners of the cattle at revenue stations on the roads leading to the Agency tracts. The stations will be reported after the District Forest-officer's inspection in reply to Board's Proceedings, Forest No. 419, dated 11th September 1896, in time to introduce the new rules from 1st July next.

ORDER—No 521, Revenue, dated 2nd y 1897.

Forest No. 112.

Rampa forests were decided in Boarder 1892, the muttadars, were, out of remarks the reports received by it from the Special Conservator of Forests, Northern Circle, and the Agent on the subject (1) of the method to be adopted in the cattle grazed in the Yellavaram forests and (2) of the prevent the muttadars from levying fees on cattle grazing in the Board of the advisability of collecting such fees on behalf of Government.

2. As regards the first point the Government agrees with the Boarding that the fees in Yellavaram should be levied independently of the rent collected in respect of the several villages in the division. Before, however, the Agent's proposal to levy the fees "from the owners of the cattle at stations on the roads leading to the Agency tracts," the Government desires definite information as to what the "revenue stations" referred to by the Agent where they are to be located, what they would cost and whether this cost to be more or less than the amount which may be collected. The Board requested to obtain and furnish the necessary information at an early date.

3. In the circumstances stated in the Special Assistant Agent's report Government considers it inadvisable for the present to levy any fees for the of cattle in the Rampa forests. The Government approves of the proposal of Special Assistant Agent in his tours should explain to the muttadars that Government reserves to itself the right to levy grazing fees and that the levy of fees by the muttadars is illegal. They should also be cautioned that continuation of such fees on their part will lead to the retrenchment of the compensation allowances which they at present enjoy under G.O., No. 433, Revenue, dated 2 June 1894. The Agent will report after the lapse of one year from this date effect of the above warning.

(True Extract.)

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

To the Board of Revenue (Land Revenue), with enclosures.
,, the Judicial Department.

Exd. Shaik Karim.

40 Copies

there is a great distinction to be drawn between the Khonds who live in less accessible plains and to markets where the Khonds who live in less accessible settled in the low country in the northern foot of the ghâts in that taluk and neighbourhood of Berhampur. Of these it may be said that they are steeped in debt and are entirely in the hands of the low-country (Uriya Sowcars). The second class are much less involved and their debts are, as a rule, owed either to fellow Khonds or to Panos and itinerating mahajans who visit the hills only occasionally during the year; indeed it may be said roughly that the indebtedness of the Khonds varies inversely as their distance from civilization.

4. The figures furnished by the District Registrar show that the mortgages and sales effected by the first class are few in number and altogether petty. The fact is that unless the land lies near civilization and the money-lender can get outsiders to cultivate it he does not ask to have it mortgaged or sold to him. It suits him far better to leave the Khond in possession and to allow him to cultivate and to take at each harvest the whole or nearly the whole produce of the land. During the rest of the year the Sowcar keeps the Khond more or less. He does him out on market days rice and salt and perhaps receives from the Khond some minor hill produce. The Khond has of course no record either of his borrowings or repayments and as far as I can make out he has, as a rule, very little idea of the extent of his indebtedness. The Sowcar keeps his account on cadjan leaves if he keeps any account at all and he has his debtor entirely at his mercy. The Khonds are wonderfully staunch to their own sowcars and apparently hand over each year's crop without a murmur. They are utterly thriftless and probably know that even if they should dispose of their crops to outsiders they would shortly be in need of loans again and would not be able to get them.

5. In this way the Uriya Sowcars of Berhampur and Belligunta (the large market for hill produce near Russellkonda) manage without having resort to courts or to documents to obtain nearly all the produce of lands cultivated by this particular class of Khonds. The Khonds are left nominally the land-holders but are really tenants cultivating for the sowcars for a subsistence. The unhealthiness of the climate and the difficulty of obtaining outside cultivators and the dread of violence alone preserve the Khond in his status of land-owner.

6. In Chokapad khandam which although in the Maliahs is comparatively accessible, a deputation of Khonds waited upon me and complained of the exactions of the sowcars. In this khandam some sowcars have settled and outside cultivators are available. The Khonds complained the sowcars were taking away their lands. On inquiry I found that this was done simply by the threat of stopping supplies. There were ordinarily no instruments of transfer. The sowcar simply said "give me that piece of land or else I will lend you no more money."

7. As regards the rate of interest it is commonly said to be 50 per cent. per annum. This is indeed the recognised rate of interest in the Maliahs and is charged by the Khonds among themselves. It is impossible to say whether the low country sowcars charged at this rate; the Chokapad Khonds told me they did. I asked them if they agreed to pay this rate of interest. They said they did although they grumbled at it. They added "we have expenses over our funerals and marriages and must get the money and must agree to what the sowcar says."

On going into individual cases, I found one where, a Khond had borrowed grain worth about Rs. 8 some eight years ago and had now given the sowcar land yielding yearly produce worth Rs. 8.

In the present state of affairs, however, where the debts are practically never disputed and where only one party to the transaction keeps accounts and keeps them exactly as he likes the rate of interest is hardly of first importance. The Sowcar charging 10 per cent. could easily by manipulating his accounts make out that the Khond was just as much in his debt as though he charged 50 per cent.

8. Turning now to the Khonds in the remoter tracts it may be said generally they are free men and if they were not self-indulgent and improvident to an extraordinary degree they would be very well off. Amongst these Khonds there is a good

deal of borrowing and lending. The Panos are a low caste long settled in the 521, Revenue, date of trade. They are identical with the Dhombs of Central Pro—re said before the rate of interest on these transactions is 50 per cent No. 112. is generally in grain or in kind, the creditors are on the spot and are—, and as a rule, the debt will be realized out of the next year's crop and the transaction ends. Of recent years it is true that low country traders are penetrating more and more into the maliahs. They sell articles to the Khonds on credit and come back at harvest time and get grain and other produce from their creditors at very low rates, but the process of accumulation of the debt does not go on, and I believe the Khonds do not remain permanently indebted to these traders.

This, however, cannot, I fear, be said of the Sowras and the Paidi traders in the Parlākimedi Maliahs, and I would invite attention to Mr. Elwin's remarks on this subject. These Paidis are giving a good deal of trouble to the sowcars, and when I was recently in these hills some of the headmen asked me to prohibit them from settling in their muttahs.

The Paidi traders, it is said, keep no accounts at all, and trust to their memories.

9. To sum up, I would state it as my opinion that if things are allowed to take their course in the more accessible parts of the country the Khond or Sowra cultivator will cease in a few years to be an independent landholder and will drift into the position of an under-cultivator for the sowcar. Indeed this is practically the state of things at present, but as yet the money-lender has not found it advisable to openly assume the ownership of the land. As population increases and the country is cleared and advances in civilization, they (the money-lenders) will probably find it safe and to their interests to do so.

In the less accessible tracts the prospect of the ownership passing from the Khonds is more remote. As to whether the transfer of land to the money-lenders is likely to lead to an outbreak on the part of the Khonds, I find some difficulty in giving a decided opinion. The Chokapad Khonds, who interviewed me, seemed excited and angry, but I found that the cases in which the sowcars had taken over their lands were as yet comparatively few, and I am disposed to think that a dread of violence will always restrain the sowcar from pushing his rights to the extreme until it is safe for him to do so.

10. Whether the Khond deserves special protection is another question. He is certainly an unprofitable tenant of Government. They are probably the most thriftless race in the Presidency. They contribute nothing to Government and, on the other hand, are destroying as fast as they can the fine sāl forests of their country. The gradual supersession of the Khond as a landholder would scarcely be a political evil unless he alters his ways.

On the other hand it is quite true that advantage is taken of the ignorance and simplicity of the Khond to swindle him wholesale and probably Government would desire, if possible, to put an end to this.

11. This brings me to the question whether the present Bill would be effective to protect the Khond. What struck me first on reading the Bill was that it was designed for races more civilized than the Khonds and their creditors, and that it contemplates at least the creditors keeping regular accounts and the debtors having some understanding of the amounts of their borrowings and repayments. Take, for instance, section 8 of the Bill. How could any court adjudicating between a Khond and his sowcar make out a satisfactory account. At the best he would have on one side cadjan accounts, probably fraudulent, on the other hand only the vaguest statements. I do not overlook the provisions of Chapter VIII of the Bill, but I consider it would be almost impossible to enforce these provisions.

It is obvious, indeed, that a great deal of the Bill, e.g., Chapters VI and VII could not be introduced in the maliahs as we have not the necessary official machinery to work it.

The Bill is mainly framed for the of the Records for artists who are being sued in courts and expropriated by courtular ave pointed out above the sowcars have so far abstained from wellance ms to me, therefore, that the Act, if introduced, would at present e extent inoperative.

12. Chapter V, however, regarding would I think be useful even now. The conciliator can interfere before any suit is when a dispute arises or there is a prospect of litigation. The headmen Patros, Broyis, Molikos or Gomangos might be appointed conciliators.

As regards debts between hillmen they exercise, as a matter of fact, such functions already and as a rule all parties acquiesce. It is true that they would probably be inclined to favour the hillmen, but the powers of conciliators are limited and subject to revision. The Patros and headmen can nearly always write and in any case could command the services of some one who could write.

I fear the provisions of the Bill regarding arbitrators would be difficult to work.

13. The provisions of sections 12-20 in the Bill and those in Chapter III afford, effective protection of the agriculturists and, if approved for other parts of India, should be made applicable to the Khonds and Sowras: but as long as the courts are so little resorted to their effectiveness will be limited.

14. The proposal before the Government of India to exempt the lands of agriculturists from attachment and sale under all circumstances, even when specifically pledged, would I consider be more effectual.

There is no doubt I think that if the money-lender knew that he could not in the last resort fall back on the land of the Khond, he would be unwilling to make advances with the facility he does at present. It is true he is now generally content to let the debt stand unsecured, but he knows that if he chooses to demand a mortgage or conveyance of the land he could at once get it.

The immediate effect of exempting the land from liability would be to diminish the borrowing powers of the Khonds and this would be an advantage at all events for such of them as have not fallen completely into the hands of their sowcars. Those of them who are hopelessly indebted would probably be refused further advances or credit on any terms and might suffer hardship.

15. Apparently the Bill contemplates such men becoming insolvents and adopting the procedure laid down in Chapter IV-B, but in the maliahs we could not with our very limited staff of officials possibly undertake the duties laid on revenue officials by that section. Indeed I may remark here that I think in any part of this Presidency these sections, if recourse to them is largely made, would throw an intolerable amount of extra work on the already overburdened Collector.

16. I am inclined to think that the problem of protecting the Khonds and Sowras against themselves is a well nigh insoluble one. On one side there is utter ignorance, thriftlessness and recklessness in the matter of borrowing. On the other generally unscrupulousness on which we have no check and can have no real check. The remedies provided by this Bill might be effectual where there exist on the one side agriculturists fairly intelligent who keep some record of their debts or could produce reliable evidence regarding them, and on the other side money-lenders who keep regular accounts. The mere passing of the Bill into law will not, I am afraid, make the money-lender keep regular accounts or make the Khond demand and keep receipts. I may say here that section 53 of the Bill seems to me a most dangerous one. If the agriculturist is to be believed without any corroboration as seems to be intended, it is, indeed, a Bill for the relief of the agricultural classes with a vengeance and the rest of the Bill is quite superfluous. Even the agriculturist can lie and so can the Khond and Sowra. I presume, however, the court would require proof of the tender or non-tender of the receipt and it would be a question of witnesses: the longest purse and the sharpest wits would win. The section I think would then be either intensely mischievous or else useless.

FE, 2ND JULY 1897.

17. To sum up I could in the No. 52 of the Bill would be for various reasons specified above be in Central Provinces Agency Tracts at present; but if the Bill be approved of in principle for per centum, dated 27th of its provisions might usefully be adopted for the Khonds. and are

The provisions selected for ^{and the} 12. of the Bill should be simplified and adopted to the primitive races ^{and} ^{be} ^{permitted} ^{to} ^{be} ^{introduced} as Agency rules. The substantive law in the Bill would ^{for} ^{the} ^{reasons} ^{given} ^{above} be likely for some years to come to be more effective than the proposals regarding procedure in suits.

The proposal regarding the non-alienability of land under any circumstances referred to in letter of Government of India would be, if adopted, I consider an advantage to the Khonds generally.

ENCLOSURES.

Collector's endorsement on G.O., No. 804, Revenue, dated 9th December 1895, to Divisional Officers Ref. C. No. 67-Ver., dated 17th January 1896.

The three copies now received will be forwarded to Messrs. E. A. Elwin, S. P. Rice and B. Narayanamurti, with a request that they will report at an early date on the condition of the Khonds and Sowras in their divisions, in the matter of indebtedness.

I would like information on the following points, especially—

(a) Where Khonds and Sowras get into debt to low country sowcars, or others what record, if any, is kept of the debt?

Is it merely an entry in sowcar's books or are documents taken?

(b) Are the lands usually mortgaged and, if so, have there been many cases of foreclosure?

(c) Are the Khonds and Sowras often sued in civil courts for the debts?

(d) Is not the position often this : the Khond or Sowra is hopelessly indebted but has no idea of the amount. He gives the whole of his crop and is in return kept alive during the rest of the year and does not dispute the sowcar's claim.

(e) Whether the lands are passing out of the hands of the Khonds and Sowras, either by the instrumentality of the civil courts or by voluntary alienations?

I do not ask for exhaustive information on the above points, but I believe that a little local inquiry would elicit sufficiently accurate information for present purpose.

(Signed) C. J. WEIR,
Collector.

Letter from E. A. ELWIN, Esq., Acting Principal Assistant Agent, Ganjām, to the Collector of Ganjām, dated Namanagaram, 2nd February 1896, Dis. No. 272.

I have the honour to reply to your reference, dated 18th January 1896, on C. No. 67-Ver.

2. *Indebtedness of the Sowras.*—Accounts vary very much. The Gumma Bissoyi says that his Sowras are, with the exception of the Gomangos and some half dozen persons in each village, almost all in debt. The Bissoyis of Serango, Aggaigodo and Namanagaram, on the other hand, do not admit that indebtedness prevails amongst the Sowras of their muttahs to any appreciable extent. The Parlākīmedi Deputy Tahsildar seems to think that the Sowras are generally speaking in a state of indebtedness and such is my own opinion of those living in the Gunupur taluk of Vizagapatam formed after several years acquaintance with them.

3. (a) *Where Sowras get into debt to low country sowcars or others, what record, if any, is kept of the debt? Is it merely an entry in the sowcar's books or are documents taken?*—It is but seldom that the Sowras of the Parlákimedi hills resort to low country sowcars for loans, and when they do, documents are not taken from them but a mere entry of the transaction is made in the sowcar's books. The Paidis or Hill Parials are the chief sowcars in this agency. When these men advance money or lend grain to the Sowras, they keep as a rule no record of the transaction, though sometimes, if they are educated, they make an entry of the loan on a cadjan leaf. Sowras not infrequently take loans from other Sowras, especially from their Gomangos, but the person who gives the loan trusts entirely to his memory in the matter. It may be said, then, that the sowcars of the Sowras rarely keep any account of the loans given by them. The chief reason for this is that the Sowras are particularly honest and never repudiate a debt. They themselves are in the habit of tying a knot in a string whenever they take a loan, each knot representing a putti of grain or a rupee, as the case may be.

Government { 1897 } of Madras.
REVENUE.

Recd.

Enclosures

1897.

Regd.

Spare copies

G.O., No. 519, 2nd July 1897.

JUL^{fin}

1 (3)

thereby.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Forwarded with reference to G.O., No. 804, Revenue, dated 9th December 1895.

ENCLOSURE.

OPINION.

Re-Bill to provide for the relief of the Agricultural classes.

The bill seems to treat the agricultural classes as if they were perfectly helpless, and too ignorant and stupid to know and to protect their interests. I am unable to say whether they deserve the character they appear to have acquired or not, but I doubt the wisdom of the treatment. If they be over-protected, they are unlikely ever to become self reliant, and to learn to exercise any thrift and forethought. Moreover, the very means taken to "protect" them will make it very difficult, if not impossible, for them to raise money, however urgent may be their need therefor.

Money-lenders are unlikely to lend upon mortgages if the parties, will be substituted for the mortgagees.

Money-lenders are unlikely to lend upon mortgages if they fear that, for the agreement of the parties, will be substituted the discretion of the District Judge for the time being. I doubt if the indebtedness of ryots is due to the expenses incidental to their... believe it is due to their extravagance in the performance of their religious duties... by education alone, and...

I doubt if the indebtedness of ryots is due to the District Judge for the time being. I believe it is due to their extravagance in the performance of marriages, &c. This can be cured by education alone, and part of that education must surely be the suffering which extravagance causes. The Legislature cannot supply the ryots with common sense, or remove temptation far from them.

I have not seen the report of the Commission referred to in the memorandum annexed to the present bill. Possibly experience has shown that ryots do require protection, and that my fears above mentioned are unfounded.

Section 2.—The definition and “explanation”

Section 2.—The definition and "explanation" read together seem to make source of income, not personal occupation, the test of the applicability of the term defined. If that is the intention, the definition may be shortened and explanation (a) be omitted, by substituting the words "whose income is" for the words "who enjoy himself or by members of his family or by his servants or by his tenants or by his livelihood," and the words "derived from" for the word "by" between "Pore, with the e." and "agriculture." The words following "extend" might then be omitted. Explanation (b) is the only one and (c) would form an "exception" or other hand, do not admit that income is the only one and (c) would form an "exception" or any appreciable extent. The Parliament is generally speaking in a state of indecision. The word "temporarily" referred to in the explanation to be ascertained by the word "temporarily"?

3. (a) Where Sowras get into debt to low country necessary to bring a man within the kept of the debt? Is it merely an entry in the sowcar's books or are as he ceases to is but seldom that the Sowras of the Parlákimedi hills resort to low country loans, and when they do, documents are not taken from them but a mere entry of the trans- action is made in the sowcar's books. The Paidis or Hill Pariahs are the chief sowcars in this agency. When these men advance money or lend grain to the Sowras, they keep as a rule no record of the transaction, though sometimes, if they are educated, they make an entry of the loan on a cadjan leaf. Sowras not infrequently take loans from other Sowras, especially from their Gomangos, but the person who gives the loan trusts entirely to his memory in the matter. It may be said, then, that the sowcars of the Sowras rarely keep any account of the loans given by them. The chief reason for this is that the Sowras are particularly honest and never repudiate a debt. They themselves are in the habit of tying a knot in a string whenever they take a loan, each knot representing a putti of grain or a rupee, as the case may be.

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Section 8.—I think that the words “or setting off the profits of mortgaged property without an account in lieu of interest” should be struck out, as usufructuary mortgages should not be revised with retrospective effect.

As to the advisability of interfering with the agreement of the parties, and practically preventing usufructuary mortgages see remarks on section 9.

Section 8 (g).—I understand the words “double the latter balance shall be deemed to be the amount then due” to mean that the balance of interest that may be decreed shall not exceed the balance of principal due: but is that clearly expressed? If so, is this provision expedient?

Section 9.—The effect of this section seems to be to prevent usufructuary mortgages altogether. Is that necessary? Is it not only can such mortgages be revised, but the revision is.

Moreover, under this section not only can such mortgages be revised, but the revision is, apparently, to have retrospective effect. This, I think, is undesirable. I do not see why the agreement between mortgagor and mortgagee should be interfered with in the absence of fraud or oppression.

These sections will, I fear, do more harm than good to the mortgagors, and will be evaded if possible by both mortgagor and mortgagee.

Section 10.—What is the meaning of “properly chargeable”? What is to be the standard, if the agreement of the parties is to be ignored?

Why should a mortgagee in possession be compelled to remain in possession, and upon terms to which he may not agree?

What is to happen if he decline?

In the memorandum it is proposed to add a sub-section to section 9, providing for the case of a mortgagor holding the land as his mortgagee's tenant. In the first proviso the agreement to give and receive payments in kind as rent is to be subject to the court being able to determine the value of the grain, &c., so given, and to a "fair rent" being fixed by the court in the event of its being unable to determine the value of the rent in kind. Accepting rent in kind is a speculation not likely to be entered upon by many under these circumstances, yet, payment of rent in cash may often be very difficult and cause hardship.

Sections 11 to 14.—Sections 11 to 14 are not likely to be much worked. Judging by ordinary civil suits, I think that ryots and their creditors will usually prefer to leave questions between them to be decided by the court. References to arbitration are not such unqualified successes that they are readily resorted to.

Section 13—will probably be looked upon as rendering the reference to arbitration a mere useless waste of time. The award will not be final, subject only to being set aside for causes mentioned in the Civil Procedure Code; but it will be made subject to revision, modification or rejection by the court. That being so, time and money will be saved if the court settle the matter in dispute without any reference to an arbitration which may prove useless.

Section 14 (3)—provides for the court “continuing the mortgagee in possession,” but not for the contingency of his objecting to remain in possession under conditions not agreed to by him.

m. What is "reasonable interest"?

What is "reasonable interest"?
Is the property to be restored, whether "principal with reasonable interest" have in fact been recovered or not?

Section 14 (4)—See remarks on sub-section (3).

Section 15 et seq.—The result of all this seems to be that the mortgagee has no right to sue for the principal, but is bound to sue for the interest, and the "discretion" of the mortgagee is binding. Not only may that agreement be based thereon.

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thereon.

Incorporated

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Section 37.—Has this scheme ever been tried? Judging from the usually futile attempts to settle civil suits by reference to arbitration, I think that these provisions as to the official conciliator will be practically useless, except perhaps for purposes of the annoyance of one party by the other.

Section 39.—By whom is the agreement to be reduced to writing? The section should provide for the payment of the stamp to be affixed and the cost of registration, and declare by whom such costs are to be paid. The conciliator should see that the document is duly stamped and registered.

Section 40 (2).—How is the court to form an opinion as to what is just and equitable? I think that retrospective effect should not be given to this section. If not, are the parties

Section 43.—I think that retrospective effect should not be given to this section.

Section 49 (1).—Is the Sub-Registrar to be a lawyer?
 upon his expressing himself in correct legal phraseology?
 Agriculturists will always resort to Sub-Registrars to have their documents written for them
 if they can get them written for nothing.
 Section 55 (1).—The agriculturist should be prohibited from making any entry in the pass

Section 55 (1).—The agriculturist should be prohibited from making any entry in the pass book.

*Section 59 (3).—*This may prove a hardship to the agriculturist who is treated throughout this bill as if he were incapable of protecting himself against his creditor.

Section 59 (3).—This may prove a hardship to a creditor if this bill as if he were incapable of protecting himself against his creditor.

Section 60.—Is the “Government Pleader” or “other fit person” to be paid? If he is then, if the agriculturist who cannot afford to retain him, is unsuccessful, from what source is the pleader’s fee to come?

If the pleader is not to be paid, then this is a hardship upon him. “Fit persons” have the right to appear but not the Government Pleader.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

MADRAS,
7th January 1896.

READ—the following letter from C. J. WEIR, Esq., I.C.S., Collector of Ganjām, to the Secretary to Government, Revenue Department, dated Chatrapur, 8th May 1896, Dis. No. 696-Ver.:—

I have the honour to submit the remarks called for from me in G.O., No. 804, Revenue, dated 9th December 1895.

I have the honour to submit the Revenue, dated 9th December 1895.

I would premise my remarks by stating that subsequent to receipt of the Government Order, I ascertained by a demi-official correspondence with the Revenue Secretary that a general criticism of the bill and the proposals in the letter from the Government of India was not expected from me but that I am expected to report after inquiry on the condition of Sowras & Khonds in the matter of indebtedness and express my opinion as to how sowcar's books.

this agency. When these men advance money, no record of the transaction, though sometimes, is made to three of the Divisional officers on the loan on a cadjan leaf. Sowras not infrequently take the subject and of the replies I received from their Gomangos, but the person who gives the loan trusts entirely to his memory in the matter. It may be said, then, that the sowcars of the Sowras rarely keep any account of the loans given by them. The chief reason for this is that the Sowras are particularly honest and never repudiate a debt. They themselves are in the habit of tying a knot in a string whenever they take a loan, each knot representing a putt of grain or a rupee, as the case may be.

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