

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 5238

DATED 7 Oct 1897

[Despatch Abstract.]

Consent to the 12th of Dec. Govt. of India.
Resolution on the subject of the introduction
of land revenue.

Date taken out.

G.O.	No.	Department.	Date

G.O.	No.	Department.

FURTHER PAPERS.						
G.O.	No.	Department.	Date.	G.O.	No.	Department.
Cus 8627			1898.			

17 SEP 97

Current Number 8091

THE CHIEF SECRETARY TO THE GOVERNMENT OF
MADRAS, REVENUE DEPARTMENT.

No. $\frac{2070}{73-18}$

Recd. & Regd. 17987

Forwards a copy of a Resolution on the subject of the proposed withdrawal of the power to redeem the land revenue and communicates the views of the Government of India on the questions discussed by the Madras Government in its letter No. 460, dated 11th September 1893.

Date taken out.

28/9/70

Perfected

No. $\frac{2070}{73-18}$.

FROM

DENZIL IBBETSON, Esq., C.S.I.,
Secretary to the Government of India,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
MADRAS, REVENUE DEPARTMENT.Dept. of Rev. & Agri.
Land Revenue.*Simla, the 7th September 1897.*

SIR,

WITH reference to the Honourable Mr. Arundel's letter No. 460, dated 11th September 1896, on the subject of the proposed withdrawal of the power to redeem land revenue in certain special cases, I am directed to forward, for the information of His Excellency the Governor in Council, a copy of a Resolution of this day's date which disposes of the matter, and to communicate the views of the Government of India on the connected questions discussed in paragraphs 2 and 3 of the above cited letter and in the proceedings of the Government of Madras accompanying it.

2. In paragraph 2 it stated that, in the opinion of the Governor in Council, the system obtaining in respect of assessed waste lands on the Nilgiris and Shervaroy hills and in the Wynaad, under which they are sold subject to fixed rates of assessment, should be maintained. His Excellency the Governor in Council is, however, willing that the right to redeem the fixed assessment, which is at present given to the purchaser under the rules, should not be conceded in future sales. For the system obtaining in respect of all unassessed waste lands at the disposal of Government in the Madras Presidency, whereby they are sold in fee-simple or free of all demand on the part of the State on account of land revenue, it is stated that the Governor in Council is disposed to substitute a system of sale subject to fixed rates of assessment.

3. Dealing first with the special rules for the sale of assessed waste lands on the Nilgiris and Shervaroy hills and in the Wynaad, the Government of India note that, when the question of retaining these rules was discussed in 1883, the chief arguments in favour of their retention were that their terms tended to encourage planting enterprise by giving fixity of land revenue, that the fixed assessment

Date taken out.

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28/7/90

Ruler

of Rs. 2 an acre was as high a rate as could ever be imposed on hill land with reference to its suitability for ordinary produce, and that the area annually sold under the rules was comparatively small. Since 1883, however, the Government of India have had considerable experience of the working of waste land rules in other parts of India to which European skill and capital have been attracted. They have not found that the absence of fixity of assessment has deterred the extension of planting enterprise in Assam. The condition in the Assam instrument of lease, which limits the assessment to the rate "payable on the most highly assessed lands in the said district cultivated with rice, pulses, or ordinary agricultural produce", gives, according to the experience of that Province, ample assurance to skill and capital. And they prefer such a condition to a fixed assessment, as it secures the State from loss in the event of any serious change in the value of money. The only consideration in favour of retaining the rules at present in force on the Nilgiris and the Shervaroy hills and in the Wynad which appears to the Government of India to have much force is that the areas alienated under them may possibly continue to be very limited. This, however, is a matter on which there can be no certainty: and the Government of India would prefer to have the security of rules which might be safely worked on a large scale. They would, therefore, be glad if His Excellency the Governor in Council would consider whether the present rules should not be modified to provide for a periodical revision of the land revenue, with a maximum limit of assessment similar to that contained in the Assam rules. Should the Government of Madras adhere to its recommendation that the fixed assessment clause in the rules should not be altered, the condition might be attached, as in the Circular from this Department No. 4-733-741 of 10th August 1872, that sales in future under these rules of plots exceeding 10 acres should be submitted to the Government of India for previous sanction.

4. With regard to the rules in force throughout the Madras Presidency for the sale of unassessed waste, the Government of India consider that they should be similarly revised so as to provide for periodical re-assessment. They agree with His Excellency the Governor in Council that in any case the provisions of the present rules which alienate land free of land revenue in perpetuity should not be retained; and, if for these provisions a system of fixed assessment is substituted, sales under these rules also of plots exceeding 10 acres should be in future submitted to them for previous sanction.

5. With regard to the special case of escheated lands in Malabar, mentioned in paragraph 3 of Mr. Arundel's letter, the Government of India concur with the views of the Government of Madras.

I have the honour to be,

SIR,

Your most obedient Servant,

W. G. B. B. B.

Secretary to the Government of India.

1897.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

LAND-REVENUE.

RESOLUTION.

No. $\frac{12}{73-17}$

Dated Simla, the 7th September 1897.

SUBJECT.

Directs that in future no redemption of land revenue be permitted without the previous sanction of the Government of India, and states in what respect these orders will not affect the authority of Local Governments and Administrations.

Date taken out.

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whether there is any necessity for retaining a rule which authorises Local Governments and Administrations to sanction the redemption by private persons of the land revenue assessment of small plots of land required for dwelling houses, factories, gardens, plantations and other similar purposes. The inquiry made shows that the authority has been very seldom exercised and that it may be withdrawn without inconvenience. The Government of India are accordingly pleased to direct in modification of the Circular orders of the 10th August, 1907 that in future no redemption of land-revenue for the purposes specified above shall be permitted without the previous sanction of the Government of India.

2. These orders will not affect any powers already conferred on Local Governments and Administrations to grant exemption from or reduction of land-revenue in respect of lands acquired by or made over to local authorities for roads and other public purposes, or of lands made over conditionally for educational, charitable or other quasi-public purposes to societies or individuals. Nor will they affect the provisions of any rules in force locally in any province which permit the redemption of land revenue assessed on small *nazul* plots, where the trouble and expense of collecting the assessment are disproportionate to the amount. Nor will they affect any rules already sanctioned for any province by the Government of India, authorising for the same reason the sale free-of-revenue of small Government properties which it may be necessary to sell.

3. The question of the retention of Rules 10, 12 and 34-B. of the Rules made by the Governor-in-Council in Bombay under section 214 of the Bombay Land-Revenue Code which has been raised by the Government of Bombay in its reply, will be separately disposed of. The special case of the sale provisions of certain waste-land rules in force in the Madras Presidency, which has been raised in its reply by the Government of Madras, will also form the subject of separate orders. The similar case of the waste land rules in force in Coorg will also be separately disposed of in communication with the Chief Commissioner.

ORDER.—Ordered that the above Resolution be forwarded to the Local Governments and Administrations noted on the margin for information and guidance.

Ordered also that the above Resolution be forwarded to the Finance Department for information.

Ordered also that the above Resolution be forwarded to the Foreign Department for favour of communication to the Chief Commissioner of Ajmer-Merwara and the Agent to the Governor-General, Baluchistan.

(True extract),

W. G. A. B. S.
Secretary to the Government of India.

To
The Secretary to the Government of Madras.

C No 8091 of 1897

For orders.

In the above Current, the Govt of India communicates its questions discussed by this Govt in letter No 4609 of 11th Sept 1906. The questions discussed together with the conclusions come to were:

- (1) That the power to redeem land revenue allowed in certain special cases should be withdrawn in future;
- (2) That the sale of assessed waste lands on the Nilgiri & Shivaroy Hills in the Wynnad ~~should be~~ ^{continue to} subject to rates of assessment should be altered in future;
- (3) That the system of sale of assessed waste lands at the disposal of Govt fee-simple should be replaced by the system of sale subject to assessment which should be fixed in perpetuity;
- (4) That the present policy of commutation of the gamman right in the case of waste lands in Malabar into a fixed annual payment should be continued, but the right of redemption thereof ~~should be~~ ^{will be} continued.

For WH

Date taken out.

Department.

whether there is any necessity for retaining a rule which authorises Local Governments and Administrations to sanction the redemption by private persons of the land revenue assessment of small plots of land required for dwelling factories, gardens, plantations and other similar purposes. The inquiry made shows that the authority has been very seldom exercised and that it should be withdrawn without inconvenience. The Government of India are pleased to direct in modification of the Circular orders of the 10th August 1906 that in future no redemption of land-revenue for the purposes specified shall be permitted without the previous sanction of the Government of India.

2. These orders will not affect any powers already conferred on Local Governments and Administrations to grant exemption from or reduction of land-revenue in respect of lands acquired by or made over to local authorities for public or other public purposes, or of lands made over conditionally for educational, charitable or other quasi-public purposes to societies or individuals. Nor will they affect the provisions of any rules in force locally in any province which permit the redemption of land revenue assessed on small *nazul* plots, where the trouble and expense of collecting the assessment are disproportionate to the amount of land. They will affect any rules already sanctioned for any province by the Government of India, authorising for the same reason the sale free-of-revenue of small Government properties which it may be necessary to sell.

3. The question of the retention of Rules 10, 12 and 34-B. of the Bombay Land-Revenue Code which has been raised by the Government of Bombay in its reply, will be separately disposed of. The special case of the sale provisions in certain waste-land rules in force in the Madras Presidency, which has been raised in its reply by the Government of Madras, will also form the subject of separate orders. The similar case of the waste land rules in force in Coorg will also be separately disposed of in communication with the Chief Commissioner.

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(True extract),

W. H. H. H.
Secretary to the Government of India

To
The Secretary to the Government of Madras

C No 8091 of 1897

For orders.

In the above Circular, the Govt of India communicates its views on questions discussed by this Govt in letter No 460 of 11th Sept 1906. The questions discussed together with the conclusions come to ^{by this Govt} were:

- (1) That the power to redeem land revenue allowed in certain special cases should be withdrawn in future;
- (2) That the sale of assessed waste lands on the Nilgiri & Shivaroy Hills in the Wynnad ~~should be~~ ^{continue to} subject to rates of assessment should be altered in future;
- (3) That the system of sale of assessed waste lands at the disposal of Govt free-simple should be replaced by the system of sale subject to assessment which should be fixed in perpetuity;
- (4) That the present policy of commutation of the jammam right in the case of waste lands in Malabar into a fixed annual payment should be continued till the right of redemption in the lands is abolished and the rates of a

Date taken out.

28/7

Revised

of land revenue, with
of assessment similar to that contained
in the Assam rules. Should this sug-
not meet with the approval of this,
it says that sales in future, under
existing rules, of plots & ^{existing}
acres should be ^{submitted} ~~reported~~ to it for
previous sanction.

With regard to (3), the Govt. of
India considers that the rules in force
should be similarly revised so as to
provide for periodical re-assessment,
and states that should this Govt. prefer
a fixed assessment, ^{the sale should} ~~be~~
subject to the same limitation as in
case (2).

3. The points on which orders are
required are—

Whether assessed waste lands on the
Iziris & the Shewaroy and in the Wynan
and unassessed waste lands, are to be
and hereafter subject to fixed rates of
assessment in perpetuity, or subject to re-
vision of assessment simultaneously with
the revision of assessment of Land Revenue
in each the district in which the land
is situated.

4. If it is decided that the lands
shall be subject to fixed rates of a
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Date taken out

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Revised

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 and more rate is to be that
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 thing distinct as a separate
 set of each of the subject
 districts, but were isolated
 of ordinary distinct sharing
 with them.
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 and is there no floating on the hill
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lands

Wynad & Co.

Salun Rs 10.00

Wynad } Rs 2.8.0
 Nilgiris }

The Board may be asked to report on
 points indicated at the beginning of this

b. Submitted that the Govt of India
 suggestion to sell the waste lands
 subject to periodical revision of the
 land revenue thereon may be adopted

7. The following draft is submitted

Date taken out

C. No. 15308-26

(Continuation of routine notes.)

Subject G. No. 5238 Rev d 7.10.1897
Requisition from collector of Madras.

To The Supt.

The Collector of Malabar wants a copy of G. No. 5238 Rev d 7.10.1897. It is said to have been put up taken in 'E' for C. No. 3063 E-24 which is not either in the Survey + also personal reg. nor in the register of Mr. P.T. Pillai. The subject of the G. No. issued relates to the Redemption of Land Revenue. Pl. see P.H. for M.R. below. Probably it is put up in the Wynad file. It is not in the papers here. Please let me in what connection it is to was sent for, that I may trace it.

It was
 put up in
 C. No 3063 E/24
 Cochin lease
 file

Recd. 186-26.

15/6/26 Mr. M.A. Aygar
 The fr. is sent here in the
 file

To Asst. Secy. The G. No. referred to above has been received today from Co. ly. But the manuscript portion of the B file is in a ~~folded~~ condition with some portions of the pages

Date taken on

altogether lost. The ^{draft order} ~~draft order~~ is not in the file. After
 perusal by the Asst. Secy. the ^{existing} ~~pieces~~ will be ~~kept~~.
 As the ~~res~~ G.O. is not in the file, submitted for orders
 of whether it will be sufficient if a copy of the printed
 alone is sent to the Govt of Madras.

NA
 18.6.26

Ascertain from the Bd of Rev. whether
 there is a copy of this G.O. in its
 file as asked for a copy.

CM
 18.6.26

To Asst. Secy.

only records
 of 10 years are
 kept in the
 office.

Adm. T.M. Board's disposal on the
 will be kept only in the M. R. So a draft. T.M. to the
 M. R. is submitted for approval.

NA
 22.6.26

CM
 23.6.26

READ--the following letter from DENNIS IDENBACH, Esq., C.S.I., Secre-
 tary to the Government of India, Department of Revenue and Agri-
 culture--Land Revenue, to the Chief Secretary to the Government
 of Madras, dated Simla, the 7th September 1897, No. 2070-73-18:--

With reference to the Honourable Mr. Arundel's letter No. 460
 dated 11th September 1896, on the subject of the proposed withdrawal
 of the power to redeem land revenue in certain special cases, I am
 directed to forward, for the information of His Excellency the Governor
 in Council, a copy of a Resolution of this day's date which disposes
 of the matter, and to communicate the views of the Government of
 India on the connected questions discussed in paragraphs 2 and 3 of
 the above cited letter and in the proceedings of the Government of
 Madras accompanying it.

2. In paragraph 2 it stated that, in the opinion of the Gover-
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 lands on the Nilgiris and thevaroy hills and in the Wynad, under
 which they are sold subject to fixed rates of assessment, should be
 maintained. His Excellency the Governor in Council is, however,
 willing that the right to redeem to fix assessment, which is at
 present given to the purchaser under the rules, should not be con-
 ceded in future sales. For the system obtaining in respect of all
 unassessed waste lands at the disposal of Government in the Madras
 Presidency, whereby they are sold in fee simple or free of all demand
 on the part of the State on account of land revenue, it is stated
 that the Governor in Council is disposed to substitute a system of
 sale subject to fixed rates of assessment.

3. Dealing first with the special rules for the sale of
 assessed waste lands on the Nilgiris and thevaroy hills and in the
 Wynad, the Government of India note that, when the question of
 retaining these rules was discussed in 1883, the chief arguments
 in favour of their retention were that their terms tended to
 encourage planting enterprise by giving fixity of land revenue,

Date taken out

revenue, that the fixed assessment of Rs. 2 on an acre was as high a rate as could ever be imposed on hillside land with reference to its suitability for ordinary produce, and that the area annually sold under the rules was comparatively small. Since 1833, however, the Government of India have had considerable experience of the working of waste land rules in other parts of India to which European skill and capital have been attracted. They have not found that the absence of fixity of assessment has deterred the extension of planting enterprise in Assam. The condition in the Assam instrument of lease, which limits the assessment to the rate "payable on the most highly assessed lands in the said district cultivated with rice, pulses, or ordinary agricultural produce," given, according to the experience of that province, ample assurance to skill and capital, and they prefer such a condition to a fixed assessment, as it secures the State from loss in the event of any serious change in the value of money. The only consideration in favour of retaining the rules at present in force on the Nilgiris and the Chevaroy hills and in the Wynnad which appears to the Government of India to have much force is that the areas alienated under them are very possibly continue to be very limited. This, however, is a matter on which there can be no certainty: and the Government of India would prefer to have the security of rules which might be safely worked on a large scale. They would, therefore, be glad if His Excellency the Governor in Council would consider whether the present rules should not be modified to provide for a periodical revision of the land revenue, with a maximum limit of assessment similar to that contained in the Assam rules.

Should the Government of Madras adhere to its recommendation that the fixed assessment clause in the rules should not be altered the condition might be attached, as in the circular from this department No. 4--733--741 of 19th August 1872, that sales in future under these rules of plots exceeding 10 acres should be submitted to the Government of India for previous sanction.

4. With regard to the rules in force throughout the Madras Presidency for the sale of unassessed waste, the Government of India consider that they should be similarly revised so as to provide for periodical reassessment. They agree with His Excellency the Governor in Council that in any case the provisions of the present rules which alienate land free of land revenue in perpetuity should not be retained; and, if for these provisions a system of fixed assessment is substituted, sales under these rules also of plots exceeding 10 acres should be in future submitted to them for previous sanction.

5. With regard to the special case of escheated lands in Malabar, mentioned in paragraph 3 of Mr. Arundel's letter, the Government of India concur with the view of the Government of Madras.

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Resolution--

The instructions contained in the Circular letter of the 10th August 1872, read in the preamble, were provisionally issued pending the revision in the several provinces of the existing rules for the disposal of waste lands and the final settlement of the conditions on which such lands might be alienated. The revision has been generally completed, and the present question for decision is whether there is any necessity for retaining a rule which authorises Local Governments and Administration to sanction the redemption by private persons of the land revenue assessment of small plots of land required for dwelling houses, factories, gardens, plantations and other similar purposes. The inquiry now made shows that the authority has been very seldom exercised and that it may be withdrawn without inconvenience. The Government of India are accordingly pleased to direct in modification of the Circular orders of the 10th August 1872, that in future no redemption of land revenue for the purposes specified above shall be permitted without the previous sanction of the Government of India.

These orders will not affect any powers already conferred on Local Governments and Administrations to grant exemption from or reduction of land revenue in respect of lands acquired by or made over to local authorities for roads and other public purposes, or of lands made over conditionally for educational, charitable or other public purposes to societies or individuals. Nor will they affect the provisions of any rules in force locally in any province which permit the redemption of land revenue assessed on small NAZUL plots, where the trouble and expense of collecting the assessment are disproportionate to the amount. Nor will they affect any rules already sanctioned for any province by the Government of India, authorising for the same reason the sale free-of-revenue of small Government properties which it may be necessary to sell.

3. The question of the retention of the rules 10, 12 and 34-B of the Rules made by the Governor in Council in Bombay under section 214 of the Bombay Land Revenue Code which has been raised by the Government of Bombay in its reply, will be separately disposed of. The special case of the sale provisions of certain waste land rules in force in the

the
reg. rules
in 1872

For

Date taken out.

Department

ENCLOSURE.

Extract from the Proceedings of the Government of India in the Department of Revenue and Agriculture (Land Revenue) No.12/73-17, dated Simla, the 7th September 1897.

Read--

Despatch from the Secretary of State No.14 (Revenue), dated 8th June 1862, paragraphs 23 and 63.

Circular letter No.4/733-741, (Revenue); dated 10th August 1872, from the Government of India, to Local Governments and Administrations directing that no land should be sold revenue-free in perpetuity under the authority of the above-cited despatch without the sanction of the Government of India, excepting such small plots not exceeding 10 acres in extent as might be required for buildings or gardens.

Circular letter No.15/73-4, (Land Revenue), dated 20th June 1895, from the Government of India to Local Governments and Administrations enquiring whether any action had recently been continued to be taken under the authority of the order.

Read also--

The following replies to the Circular of the 20th June 1895.

Letter from the Chief Commissioner of Assam, No.542, dated the 7th August 1895.

Letter from the Chief Commissioner of Ajmere-Merwara, No.116, dated the 23rd September 1895.

Letter from the Government of the North-Western Provinces & Oudh, No.2605, dated the 14th October 1895.

Letter from the Chief Commissioner of Coorg, No.1790, dated the 24th October 1895.

Letter from the Secretary for Derar to the Resident at Hyderabad, No.395, dated the 5th November 1895.

Letter from the Government of Bengal, No.932-T.R., dated the 16th November 1895.

Letter from the Government of the Punjab, No.218, dated the 16th November 1895.

Letter from the Chief Commissioner of Burma, No.42-3-R.5, dated the 3rd December 1895.

Letter from the Government of Bombay, No.96, dated the 4th January 1896, and enclosures.

Letter from the Chief Commissioner of the Central Provinces, No.1598, dated the 20th April 1896.

Letter from the Government of Madras, No.460, dated the 20th September 1896, and enclosures.

Madras Presidency, which has been cited in its report to the Government of Madras, will also form the subject of a separate order. The similar case of the waste lands in the same Presidency will also be separately disposed of in connection with the Chief Commissioner.

ORDER--

Ordered that the above Resolution be forwarded to the Local Governments and Administrations noted on the margin for information and guidance.

Ordered also that the above Resolution be forwarded to the Finance Department for information.

Ordered also that the above Resolution be forwarded to the Foreign Department for favour of communication to the Chief Commissioner of Ajmere-Merwara and the Agent to the Governor-General, Baluchistan. (True Extract).

(Signed) DINKIL INDRAN, Secretary to the Govt. of India.

ORDER -- Vis. No.5238, Revenue, dated 7th October 1897.

Communicated to the Board of Revenue in continuation of Government Order, No.459, dated 11th September 1896. The Standing orders and the rules regarding the disposal of waste lands should be re-drafted so as to provide for a periodical revision of land revenue with a maximum limit of assessment similar to that contained in the Assam rules and should be submitted for the approval of Government.

(True Extract).

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

To the Board of Revenue.