1897
20/0/1897
15
1897-15

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4768

DATED 5th December 1898

[Despatch Abstract.]

Forwarding for the information of the Government of India a copy of a communication from the Secretary to certain Local Governments on the subject of Medical Officers and Civil Surgeons

BACK PAPERS.

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

FURTHER PAPERS.

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

2,000—2/98.

Revenue (1898) Department.

CURRENT No.

From

The Ranelagh Bros.
Colaceamurra.

Order

No.

Dated 21 Aug

Received 22 "

Registered 22 "

Enclosures

Spare copies

SUBJECT.

Forwarding a Bill re: the
meeting of Boramboke Lands
in Municipalities & Dist. Boun

Whose lands are

BACK PAPERS.

G.O.	No.	Department.	Date.
Fo. 209		Rev.	16-4-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.
Cir. 2208	298	Rev.	Nov. 3-5-97

2 AUG 97
REVENUE DEPARTMENT

A

Bill

To

Vest certain lands in the Presidency of Madras in Municipalities and District Boards.

Preamble.

Whereas it is expedient to make provision for the protection of lands set apart for the convenience or common use of the village community, or of particular sections of it, in Estates in the Presidency of Madras: It is hereby enacted as follows:—

Short title.

1. This Act may be called the Public Reserved Lands (Estates) Act, 189 :

Commencement.

it shall come into force on the first day of July 189, and it shall extend to all Estates in the Presidency of Madras.

Definitions.

2. In this Act, unless there be something repugnant

within whose limits

in the subject or con

the words 'Estate" "Land

holder", and "Village".

shall be deemed to ha

the same meanings as

those affixed to the terms

in question in the definitio

attached to the Madras

Land Act, 189 .

Estate

Landholder

Village

Public Reserved land.

"Public Reserved Land"

means land reserved for

the convenience or commo

use of village communi

ties, or any portion of them,

in an Estate, whether suc

land has been specially

set apart for such purpo

or has existed as such fro

time immemorial,

and it shall include,

the village site, drinking

or bathing tanks and

ponds, pathways, cart trac

market places, cart stan

halting places, public top

burning grounds, buri

grounds, road and sto

margins or berms up to

and inclusive of the side

drains and avenues &
and the like.

Provided always that no land shall be deemed to be 'Public Reserved Land' which was included as an asset on which the Land Revenue payable by a Land holder to Govt. was originally calculated when such Land Revenue was fixed by Govt, unless such land has been, in the meantime, legally acquired by Government.

Public Reserved Lands vested in Municipalities and District Boards.

3. All 'Public Reserved Land' is hereby ~~vested~~ declared to be vested —

(a) if situated within Municipal areas, in the Municipal Council concerned, and

(b) if situated outside Municipal areas, in the District Board concerned.

Lists may be called for.

4. The District Collector shall on the written requisition of any Municipal Council or District Board within whose limits any —

Public Reserved Land
may be situated obtain
from the landholder an
village officers concerned
a list of all the Public
Reserved Lands situated
in any village or Estate
specified in such requisi-
tion, and shall after satis-
fying himself of the accu-
racy of such list furnish
a copy of it to the Munici-
pal Council or District
Board.

Accounts may be called for.

5. Municipal Councils or District Boards may likewise and in the same manner call for accounts relating to such lands as aforesaid, and the District Collector shall obtain and furnish them in the manner laid down in the last preceding section.

Decision of disputes.

6. In case a dispute should arise as to whether any piece of land is Public Reserved Land, the Collector within whose

ordinary jurisdiction the land is situated, shall institute an enquiry, and shall adopt the procedure laid down in the Land Act of 189 for the trial of suits by Collectors, and his decision in every such proceedings shall have the force of, and be subject to all the incidents of a decree passed under that Act.

Public Reserved lands to be surveyed, demarcated and recorded.

7. When Government may order a Survey and Record of Rights to be made in any Estate, or part of an Estate, under Chapter XIV of the Land Act of 189 the Public Reserved Lands situated therein shall be separately surveyed and demarcated, and shall be entered in the Record of Rights.

Statement of Objects and Reasons.

Whenever the British Government has, from the commencement of the Century onwards, made over Estates to its assignees, who are known to the law by the name of "Landholders", it has likewise made over to their charge lands reserved for the use or benefit of the inhabitants of such Estates. The vernacular term for such land is "Porambokes", which signifies outside, or reserved lands. The Govt. has invariably excluded them from the assets on which the land revenue payable by landholders was computed.

2. These reserved lands are of two kinds:-

(a) Those reserved for tanks

To ——— contract only.
Q = Copy heading only.

channels, supply and drainage channels, threshing floors, cattle stands, grazing grounds, and the like.

(b) Those reserved for the general use of the public, such as, cart track, foot paths, market places, burial grounds, burning grounds, drinking and bathing tanks or ponds, and so on.

3. Enquiries, instituted under orders of Govt, have shown clearly that encroachments upon both classes of land have been extensive in the past, and are likely to increase. It has therefore been decided to protect them by legislation.

4. Those lands included under the first category have been already dealt with in Chapters II & IX of the draft "Madras Land Bill of 189" now before the Legislature

Bill is intended to apply to Public Reserved Lands belonging to the second Class.

5. It provides for the Transfer of all su Lands to the Care of Municipalities and District Boards, in whom they are declar to be vested. Provision is made for the determination of disputes as to whether or not any particular land falls under the provisions of the Bill, by suits before a Collector, the procedure laid down in the Madras Land Bill being followed.

6. Lastly, all such lands are to be separately surveyed and demarcated and entered in the Record of Rights, whenever Chapter XIV of the Madras Land Bill is made applicable to any Estate, or part of any Estate, in which they are situated

Read the Bill re poramboo lands in proprietary estates from Mr C. J. Crole of 21. D. 98 (encl 5862 of 98)

Note.

It was considered that the only feasible plan of protecting the communal lands in proprietary estates from encroachment, was to vest them in Local Boards or Municipal councils by legislation. The officer on special duty was accordingly requested to be good enough to prepare the necessary draft of a Bill. The points to be borne in mind were stated to be —

(1) The term communal land should be clearly defined.

(2) All communal lands in proprietary estates should be declared to vest —

(a) in the Municipal areas, or the Municipal Councils concerned; and

(b) in Legislative council,

Board to ... 1 ... 98 ... 2a ... 98

Submitted below

C.P. 5/8/98

U. G.O. 209 / 14.4.98

Para 2 of the G.O.

of Municipal councils and District Boards should have power to require proprietors and village officers within the limits of their jurisdiction to furnish correct and complete lists of all the communal lands in the estates or villages with which they are concerned and to furnish accounts relative to such lands.

(4) In cases of dispute as to whether a particular piece of land is communal land or not, the Collector concerned should have power to hold a summary enquiry and decide the matter somewhat on the lines of Madras Act III of 1896 or IV of 1897 or of section 118 of the Bengal Tenancy Act.

(5) The proprietors of estates must have a clear assurance that no interference is intended with any lands which are taken into account in fixing their

in question in Municipalities and District Boards together with a statement of objects and Reasons is forwarded by Mr. Crole. The points referred to above have been embodied in the Bill

In Section 2 of the draft Bill a definition of "Public Reserved Land" is given and section 3 provides for the vesting of such lands in Municipalities and District Boards Sections 4 & 5 enable the Municipal councils or the Local Boards to obtain, on requisition to the Collector, lists of such reserved lands and accounts relating to them. It is provided in section 6 that in the trial of suits by Collectors for the determination of disputes as to whether or not any particular land falls under the purview of the Bill the procedure laid down in the Madras Land Bill, now before the Legislative council,

Board's
No. 1 to 6 = Copy returning duly.

2. Reasons, reserved lands are declared into:—(1) those reserved for purely agricultural uses such as irrigation tanks and channels, supply and drainage channels, threshing floors &c (2) those reserved for the general use of the public such as cart tracks, foot-paths, market places &c; and it is stated that the Madras Land Bill deals with the lands included in the first category and that the present bill applies only to the lands of the second class.

3. It is submitted that a detailed examination of the provisions of the Bill may be deferred till the Madras Land Bill is passed into law and that in the meanwhile, the bill may be referred for the remarks of the Board of Revenue which should consult Collectors & other Officers

A

Lang

Clause 3 of the Bill.

W.H.

There is something to be said for deferring all action on this Bill until it has definitely decided on the line to be taken in respect of the Tenancy (or Land) Bill. But it may be an advantage to send it out now to the Bd. of Revenue for preliminary enquiry.

Before doing so however there is one amendment of some importance which I would suggest. Forests in non-proprietary estates prima facie is land set apart either actually or constructively by the village for the public use of the community. The Bill after defining such reserved land proceeds at once to vest it either in a Zilla or in a Dt. Board. No doubt that was the proper intention. But I think it would be

Please see remarks being submitted below

C.R.V. 12/12/08

V = Copy heading only.

declared to be vested in Govt
for public village uses proceed
to say that Govt may vest
such land in a Taly or in
a Dt Board & may withdraw
from the jurs: of the Taly & the
Dt Board any land which
has been so vested. he cannot
foresee whether in Dt Bds or
a Talugo: may deal with
village panchayats. I would also take power to Govt to make rules
for the manage: of village pan-
chayats by Dt Bds & Talugs:

No further remark
appears necessary at this
stage

S.R. 10/11/98

I suppose the panchayats now
vest in Her Majesty — vide sec
46 of the L. Bds Act. I fully
agree with the Secy that Govt must
retain the right to withdraw any
panchayat from vesting in
a Munsif or Dt Bd. It is for
consideration whether as proposed
in the Bill the panchayats shall
be vested by the Bill in Munsif or
Dt Bd, with power to Govt
to exclude any panchayats from
the operation of the Bill; or
whether they should vest in

Land: may well dispute this

A

B

Secy

present I am inclined
to think the former method
will be better because simpler,
but there may be weighty
objections to it.

In any case the draft
may be ~~circular~~ sent to
Bd. for its opinion
after consulting Govt.
It must be explained that
the provisions of the
"Madras Land Bill" are
now under the consideration
of Govt but the main
features of the present Bill can be
discussed apart from
the M. Land Bill.

AM 24.11.98

Please see draft below.

CPR 26/11/98

Secy 28/11/98

The draft must go to the
Advn. before going to the
Board & the opinion of any

Q = Copy heading only.

we may do this
provisionally & the
draft Bill altered
accordingly

SR

Please see revised draft
submitted below.

CPR 5/12/98

Read the Bill from the Hon'ble
Mr. C. J. Cole & 21.8.98 (enc 5882/98)

~

G.C. (Brass) Encd. to Bill No. 4768 98 5 Dec 98

The draft Bill ~~will~~ be ~
forwarded to the Hon'ble the Advocate-
General for favour of ~~early~~ examin-
ation from a legal point of view.
Clause 3 of the Bill provides that
all public reserved land ~~shall~~ shall
vest ~~in~~ either in a Municipality or a District
Board. The Advocate General
is requested to ~~be~~ amend the bill
so as to take power to Government
to ~~withdraw~~ ~~any such grants~~ ~
~~grants from the operation of the~~ ~
with from the Municipality or the District Board
any land which has been so vested.

HC
3/12/98

GJC
5/12

Ed. 7-12-98

To
The Hon'ble the Advocate General
with copy of Cole 2882/98 &
letter to the Board of Rev (2)

HCM 7/12 GJC 3/12/98

~~ Not to be copied.
P = Copy abstract only.

for copying
copied } 189
examined
signed

AGAIN G.O., No. , DATED
189 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	..	..	..	A	A	A	A	A	A	A
LETTER OF GOVERNMENT										
STATEMENT WITH DITTO.										
PAPER NOT FILED UP, BEING MEANT FOR DISPATCH IN ORIGINAL.										

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.