

Revenue (1898) Department.

PRESS SERIES.

G.O., No. 209.

DATED 16th April 1898.

[Despatch Abstract.]

Requesting the Honble Mr. Ross, P.C.S. to
prepare the necessary draft of a Bill for
protecting from encroachment communal
lands in the Punjab and other provinces.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1898) Department.

CURRENT No. 989

C. 6 209
16-11-98

From

The Local & Mun. Deptt.

No. 205 L. mis

Dated 3-2-98.

Received 5

Registered 7

Enclosures 28.

Spare copies

SUBJECT

Communal lands

Transferring to the
Revenue Department for necessary
action the papers regarding —
in propriety estates

Order

10/11/98
10/11/98
10/11/98

BACK PAPERS.

G.O.	No.	Department.	Date.
	907 4-11-97		0

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL AND MUNICIPAL DEPARTMENT.

[6]
700-64-96.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Current No. 3088 of 1897, dated 4 Nov 1897 from the Revenue Departt.
Current No. of 189 , dated from the

Order.

As regards communal lands in proprietary estates outside municipal areas, the Government considers that a clause should be added to section 49 of the Madras Local Boards Act V of 1884, vesting such lands in the District Board. As the wording of this section is already proposed to be altered by section 36 of the draft Bill to amend the said Act, section 49 of the Act will, with the addition now made, read as follows:—

" 49 (1) All public roads in any district and the pavements, stones and other materials thereof and also all erections, materials, implements and other things provided for such roads and all communal lands, that is, lands which are set apart for the convenience or common use of the community, such as pathways, village sites, cattle stands, &c. in proprietary estates shall vest in and belong to the district Board.

(2) But it shall be competent to the Governor in Council by notification to exclude any road or communal land from the

operation

I think that before bringing in "and the like" we should, if possible, go into more detail, that is, specify by name more kinds of communal lands, such as market places, burial & burning grounds - and then magistrates - farmer's plots will probably give a number of names.

Ought we not also in specifying such lands, to say that they are only unenclosed lands as included in S. 4 of Reg XXV of 1802 called Chakkiraj? The proprietors of estates

must have a clear conscience that no interference is intended with any lands which were taken into account in fixing their dues. It will be easy in many of the Southern Zemindari cases to say which particular lands were, which were not, taken into account. But how about the village sites &c. on in the Northern Zemindari? Ought there not to be some procedure prescribed for ascertaining which lands were, which were not, taken into account? I should say there

? vide para 17-18 of 1897

operation of this act and to modify or cancel such notification."

2. Section 36 of the draft Bill to amend Act V of 1884 will be altered accordingly, and in sections 98-A, 98-B and 98-D, which it is proposed to insert in the Act by section 71 of the draft Bill, the words "communal land: vested in and belonging to the District Board" and "communal lands vested in and belonging to the District Board" will be inserted after the words "road." and "roads" respectively.

3. As to communal lands in proprietary estates within municipal areas, the necessary provision vesting them in municipal Councils will be inserted in Madras Act IV of 1884 as amended by Act III of 1897, when it is next amended.

P.R.
14/1/98

HT
14/1/98

Would be. We should have power to require all Proprietors to put in lists of all communal lands together with the estate accounts & arrangements for summary inquiry (on the same line as under the Act III of 1896 or as under the Act IV of 1897) - But we can't be dealt with in-
tentive & complicated matters such as these by a mere verbal amendment of the L. R. Act. I think we must have a separate Act but it is a question whether the Adv. Genl. should not draw it.

RS
20/1/98
Am. by Genl.

See separate paper
Jg
28/1/98

To The Revenue Department for favour of
certain objects

To
The Revenue Department

1048
26
989

I agree with you to have Sir Henry Bliss. The subject will have been decided at once length, & if it were introduced into the Bill for amending Act V of 1884, it would add considerable matter to the debates, & delay the passing of the Bill. I think it should be dealt with in a separate Bill, & we can deal with Communes in Municipalities at the same time.

It will be best to ask the Adv. Genl. to draw up the Bill. It is of limited scope & won't be a long Bill but the words used in it will be of great importance. I will illustrate this by referring to the Section now proposed. I doubt if the word "Communal" should be used. It properly means "pertaining to a Commune," that is a French institution. It is generally used in ordinary talk & writing with the meaning attached to it in the section, but not always. In the Note to Sec 116 in the Survey Act of 1884 & in the Finance Act of 1884 it means all the land in an estate except the proportion private land. The description of "Communal lands" is insufficient. Most of them have not been for

Not available in the
original collection
The Revenue Department
Jg

of 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

It is necessary to settle some way of determining whether any particular piece of ground is a temple or not. I think this could best be done by modifying Sec. 118 of the Bengal Tenancy Act, so that it may apply to land alleged to be Perambolke, instead of to "land alleged to be a Pro-prietary private land".

JG
28/1/98

1549 of the Bengal code

SJZ

No - and is right
That "he" is not a
word of art shd
be replaced, I think.

SJZ
22-1-98

To L & M. Sec.

C no 3068 d & M. Dept

To Secy

There is no objection to the draft order proposed to be issued so far as the Dept is concerned.

2. It is thought that in the additions proposed in para 2 of the order the word 'and' should be inserted before 'Communal land & 'Communal lands'.

3. It will be observed from para 3 of the order that it is not proposed to amend Act IV of 1904 as present so as to meet

KD Communal lands within municipal limits in municipal councils.
14/1/98

1000
REVENUE DEPARTMENT
SECRETARY
27
989

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

Proceedings of Government in the Revenue Deptt. N^o 909, dated 4th November 1897, stating that the necessary steps will be taken in the Local and Municipal Deptt. regarding the prevention of encroachments upon Communal Lands in proprietary estates.

Order N^o 205 L. Mis. of 3rd Feby. 1898.

The papers will be transferred to the Revenue Department, with the notes of the Hon'ble Members in original for necessary action.

(True Extract)

A. L. Hannay
3/2/98
for Secy to Govt.

To

The Revenue Deptt.
with Hon'ble Members' notes and
papers returned.

Has before
Sir H. Allen
the Governor

H. M.

Please see draft G.O. below
I fear the new address.
will find great difficulty
in understanding the subject.
Perhaps Mr. Ross, who
has not very much to do
w^d. be better able to put
the subject at once, at a
rate, preliminary form

S. J.
18/3/98

Yes I think he
may be asked, not
ordered, to do this. It
is not part of the
Special duty assigned
to him.
True, but
Govt may
assign him
any duty it pleases. J. G.
However, put it in
the form of a request by
all means.

23/3/98 2.54 4.4.98

I approve of it
in all other respects

J. G.
31/3/98

To Hon. Mr. Forster

Does the Hon. Mr. appear
the draft otherwise: he has
not initialed it

S. J.
25/3/98

C. 19/3/98
R. 24/3/98
R. 25/3/98
R. 6/4/98

N. 20907 16th April 1898.

as their own private property

G.O. No 345 Rev. (para 1)
27.1.96

in the villages situated within
the Zamindari or proprietary
estate, ~~the~~ such
puraamballe being

A.H.
4.4.95

G.O. No 909 Rev
4.11.97

might be left to defend their
rights in this respect against
encroachment, but

G.O. No 345 Rev (para 2)
27.1.96

the

village or of particular sections of it

are
considers in the public
interests

are should be

do so and past experience
amply confirms this view.

Moreover the Govt recognizes that

H. H. the Govt. accordingly

whether expressly set apart
for these purposes existing
is such from time
memorial (para 4 of G.O. 664 Rev
21.5.84
& Hui's notes under
the current.

whether "communal" will be the
best term to designate the such
land.

It may also be a question

such

Note

The words "and village officers"
have been inserted subject to
approval.

they can do no harm
eg

the matter shd be dealt with by a separate measure.

— 11 — 9

, or of Sec 118 of the Bengal Tenancy Act

2X a

3. The marginally noted

papers will be forwarded to
(the Ad. Gen.) for reference in
connection with the subject

S.P.
18/7/98

To the Advocate General
u u L.M. Dept.
u u Board of Rev. L.R.

CP.
7 May 98

60/5

11/5/98

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN (H.O.), No.
187

PAGES.

PRINT No.

ENCLOSURES TO C. No.

DEPT. OF GOVERNMENT

LETTER OF GOVERNMENT

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