M.R.O. 1—77,006—8-6-37.

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(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 2325 Press / Mis.

460-42

Dated 27-9 1870.

Not to be folded or roughly handled

Read the following papers :—

No. 460. Proceedings of the Madras Government in the Revenue Department, dated 1st September 1870, No. 1,375 :—

Read the following Proceedings of the Board of Revenue, dated 31st May 1870, No. 3,706.

Read the following letter from the Officiating Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated Krishnapatam, 9th April 1870, No. 750.

THE Executive Engineer in charge of the Nellore Range requested me to collect from certain Inamdars a portion of the amount estimated for repairing the irrigation works from which their lands are irrigated. As no such requisitions were ever made by the Department Public Works, and some of the Inamdars declined to pay anything, I requested the Superintending Engineer to state the authority under which the collection is to be enforced, and the proportion at which the quota payable by the Inamdars has been fixed. I enclose copy of my letter to the Superintending Engineer, 2nd Division, dated 3rd December 1869, No. 2,399, in which the circumstances of the case are fully detailed.

2. In his reply (copy enclosed), dated 10th January 1870, No. 99, Colonel Moberly states that estimates for irrigation works are prepared on the requisition of village or talook authorities, and that, on information received from them, the proportion of land belonging to Government and to Inamdars is entered therein and forwarded to this office. He observes, further, that the counter-signature of the Collector asserts the correctness of this as of any other return on the estimate, and supports the charge. According to the Superintending Engineer's own showing, this custom is said to have been in force in the Kistna and Nellore Districts, only since September 1868, when a Circular was issued in the District Gazette, dated 14th November 1868, page 846, by the late Superintending Engineer, Colonel Winscom, quoted below for easy reference :—

"Range officers are requested invariably to show in their estimates for irriga-
"tion repairs the number of acres under the work estimated for, which belong to
"Government ryots, and the number which are the property of Inamdars, Shro-
"triemdars, in order that a proportionate share of the expenditure may be
"recovered through the Collector from the Inamdars, etc. The information
"can be at once obtained by a reference to the Irrigation Register lately for-
"warded to each Range from this office."

3. In concluding his letter Colonel Moberly states that this is the first time any objection has been raised to the procedure.

4. The estimates received from the Department of Public Works are returned to them after counter-signature. I am therefore unable to say whether it was distinctly entered therein that a certain sum should be contributed by the Inamdars. But it would appear from the wording of the Superintending Engineer's letter that the extent of Inam lands irrigated is alone entered. No information has been given how the quota payable by the Inamdars has been calculated.

5. As the Inamdars have not hitherto contributed anything to the repairs of irrigation works, I doubt whether the Superintending Engineer's Circular of 1868, or the Collector's counter-signature on the estimates, can warrant my pro-

ceeding to collect the sums required from the Inamdars. I request, therefore, the Board's early instructions.

From the Officiating Collector of Nellore, to the Superintending Engineer, 2nd Division, dated 3rd December 1869.

In his letters, dated 1st September and 18th October last, bearing Nos. 318 and 407, respectively, the Executive Engineer in charge of the Nellore Range requested that out of the expenditure incurred on the irrigation works marginally noted certain sums might be collected from the Inamdars concerned.

Names of Works.	Amount of the estimate.	Amount to be recovered from the Inamdars
	Rs.	Rs.
Idagali Channel	252	25
Cherukumudi large Tank	210	27
Iswarawaka do.	510	18
Tippagnntapalemkotta do.	250	5
Chemudugunta do.	318	34
Kondlepudi Vateru do.	296	..
Vellanti Brahmana do.	476	14
Kakutur Poturagu do.	190	17
Do. Mogalla do.	61	16

2. On receipt of the first of the above letters, the Gudur Tahsildar was called upon to report if the Inamdars were willing to pay the amount required. In his reply, dated 18th October 1869, No. 843-3,465, the Tahsildar reported that the holders of the Service Inams declined to bear any part of the charge, and in his subsequent report, dated 19th ultimo, No. 964-3,946, that of the remaining Inamdars, only four have agreed to pay their share.

3. On receipt of the second letter Major Clay was requested, by docket No. 1,991, dated 21st October 1869, to state the authority under which a portion of the expenditure incurred is proposed to be collected from the Inamdars. His attention was also called to the Kondlepudi Tank, as the amount of the estimate to be collected from the Inamdars was not specified.

4. In reply,* Major Clay has forwarded to me copy of your docket, No. 537, dated 13th ultimo, and states that, if the question is not arranged soon, his statement of miscellaneous advances will be largely augmented.

* No. 474, dated 24th November 1869.

5. The Circular of the Controller of the Public Works Accounts, communicated with the Board's Proceedings, dated 15th October 1868, No. 7,398, and the Board's Standing No. 157,† are quoted in your docket referred to as the authority under which the collection is to be made from the Inamdars.

† This is entered as No. 147, in the Superintending Engineer's docket.

6. In paragraph 4 of the Controller's Circular, the expenditure on petty repairs is referred to, as usually incurred by the officer of the Department of Public Works, in the first instance at the request of the Revenue authorities, the share to be borne by the ryots being fixed by the latter. I do not find that any such requisition has been made by the Revenue authorities, nor does it appear to have been usual in this district to call upon the Inamdars to pay a portion of the expenditure. In their Proceedings referred to, the Board observe that, "in all cases of *repairs* "to works of irrigation in which Inamdars, etc., are to bear any share," the proportion to be paid by them should be decided by Collectors and communicated by the Range officers. In the present instances the proportion to be borne by the Inamdars has been fixed by the Department Public Works, but it does not appear on what principle the amount has been fixed. The Controller's Circular refers to sums received from "ryots and land-owners," and the Board's Proceedings applies to cases where the "Inamdars, etc., are to bear any share."

7. The Board's Standing Order No. 157 quoted by you refers to repairs of irrigation works in Inam and Shrotriem villages. In the Government Order of 1852 annexed thereto, the propriety of requesting certain Inamdars to bear a portion of the expenditure incurred in restoring a ruined tank was discussed, and the Government decided that the Inamdars, with the exception of the holders of Service Inams, should bear a fair proportion of the expenditure, the rates of

payment being decided by the Board. But the Board's recent Order (No. 172) disposes of the question regarding the liability of Inamdars when works of irrigation are restored. When irrigation works are improved, the Inamdars benefited by such an outlay of public money are liable to the additional charge specified in the order referred to; but when Government restore the existing works, the Inamdars are entitled to a supply free of additional charge to their lands classed as wet under such works.

8. The holders of Inam and Government lands are precisely on the same footing and entitled to irrigate their registered wet lands, the former on payment of the quit-rent, and the latter on payment of the Taram assessment, being liable only to execute the "Kudimaramut" or customary labour according to usage, and to pay waterrate when their registered dry lands are converted into wet from public sources of supply. When the holders of Government lands are not called upon to contribute to the repairs of the tanks, I do not see how the Inamdars can be compelled to pay a share.

9. No reference has been made to the Tahsildar regarding the irrigation works specified in the second letter of Major Clay. Before taking any steps in the matter, I have the honour to request that you will favour me with an early reply, stating the authority upon which the Inamdars referred to are to be called on to pay the proportion of charge for repairs to the tanks, etc., in question.

From the Superintending Engineer, 2nd Division, to the Acting Collector of Nellore, dated 10th January 1870, No. 99.

In reply to your No. 2,399, 3rd December 1869, I have the honour to observe that in the regular procedure of the department of Public Works in this division, estimates for irrigation works have been prepared in accordance with requisition made by village or talook authorities on information received from them; the proportion of land belonging to Government and to Inamdars was entered in the estimate, and the whole forwarded to your office.

2. The counter-signature of the Collector, I conceive, asserted the correctness of this as of any other return on the estimate, and, I submit, supported the charge.

3. This has been the custom in both Kistna and Nellore Districts since September 1868, and this is the first time any objection has been raised to the procedure. The Superintending Engineer published a notice in the Gazette of 14th November 1868, page 846, to this effect.

From this letter it appears that local officers of the Public Works Department in Kistna and Nellore have taken it upon themselves, since September 1868, to apportion expenditure on irrigation works between the Ryotwary and Inam lands benefiting thereby, and to levy a proportional share of it from the occupants of the Inams.

2. The Board are not aware that this practice has been authorized by any competent authority. There are cases in which immemorial custom imposes a share of the cost of keeping irrigation works in repair on Inamdars or Shrotriemdars, but they are few in number, and, as a general rule, Inam lands described as wet lands in the Inam Title-deeds are entitled to irrigation free, and the owner is in no way liable to be called on to contribute to the cost of repairs.

3. These Proceedings will be submitted to Government.

Irrigation, No. 1.

The Government observe that G. O., dated 11th August 1865, No. 1,871, disposes of the question raised by the Officiating Collector. Its terms explicitly forbid the levy of contribution from an

Inamdar towards the irrigation of land entered as nunjah in his title-deed, and, as it does not appear that any fresh land was brought under irrigation by the repair of the works in question, the Inamdars ought not to have been called upon to bear any share of the cost.

2. If in any case it be decided that Inamdars should be required to contribute towards repairs, the amount of their contribution should be settled by the Revenue Department by previous agreement, and should take the form of a lump payment.

3. These Proceedings will be communicated to the Department of Public Works, with a view to the check of similar irregularities in the Nellore and other districts, and also in order that it may be ascertained how, in the particular instance referred to, the Inamdars' contributions were accounted for, and whether the ryots were also called upon to contribute to the cost of repairs.

(Signed) H. E. STOKES,
Under Secretary to Government.

No. 461. From Colonel F. J. MOBERLY, R. E., Superintending Engineer, 2nd Division, to the Secretary to Government, Public Works Department, dated Bezwarah, 3rd September 1870, No. 66.

REFERRING to Proceedings, 11th August, No. 1,909, paragraph 7, I have the honour to observe that the Collector of Nellore demurred to the levy of any portion of the cost of repair from Inamdars, and referred the matter to the Board of Revenue under the mistaken impression that I or my predecessor had introduced a novel demand.

2. The subject has been laid before Government by the Board in their Proceedings, No. 3,706, of 31st May 1870, and till orders are passed thereon, I am hopeless of recovering arrears or payments for future work, but am keeping the account open.

No. 462. ORDER THEREON, 27th September 1870, No. 2,325.

IRRIGATION, No. 22.

THE Revenue Proceedings above recorded will be communicated to the Superintending Engineers for information and guidance.

2. Colonel Moberly will submit the information called for in paragraph 3.

3. The unadjusted items (share of Inamdars, etc., towards Agricultural Repairs) appearing under Miscellaneous Advances in the accounts of Range officers should at once be adjusted by the Superintending Engineers concerned by specific appropriations from the Imperial grant.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Superintending Engineer, 2nd Division,
To all other Superintending Engineers,
To Major R. B. Kennedy,
To the Controller of Public Works Accounts,
} with G. O., No. 1,871, of 1865, Revenue Department.

Exd. E. C. Shunker.

No. 192. Read the following Proceedings of the Board of Revenue, dated 22nd July 1865, No. 4,270.

Read again the following papers:—

Proceedings of the Board of Revenue, under date, 7th September 1864, No. 5,836.
Do. do., under date, 12th October ,, ,, 6,738.
Do. do., under date, 19th January 1865, ,, 315.
Do. do., under date, 27th April ,, ,, 2,124.

Read also the following letter from W. T. BLAIR, Esq., Officiating Inam Commissioner, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Coimbatore, 31st May 1865, No. 13.

SIR,—In reply to the Proceedings of the Board of Revenue, dated 27th ultimo, No. 2,124, I have the honour to state that care was taken by the officers of this department in making the settlement to ascertain and record the proper extent of wet land, which the Inamdars were entitled to irrigate free of a separate water-cess, as has been already explained in paragraph 2 of my letter, dated 14th March 1865, No. 8. No further special inquiry beyond what is there described was considered necessary, as it was taken for granted that the Inamdars were entitled to the extent of wet land entered in their sunnuds, or in the standard Inamati accounts.

2. The assessment of wet Inams was invariably calculated at the nunjah rates of the village, and consequently the profits derivable from a single crop were taken into account in calculating the quit-rent charged for enfranchisement.

3. Where the second crop also had all along been enjoyed as Inam, the assessment on the second crops was also duly taken into account in the calculation of quit-rent. Where Inams were already assessed in the paimash at a consolidated double crop rate, such assessment was of course adopted. Cases of these descriptions have been comparatively few, and were always distinctly noticed in the registers.

4. To obviate any possible misconception on the point, I would here observe that in the case of *large* wet Inams, whose present extent of cultivation was comparatively small, and the prospect of their full cultivation remote, with reference to the general circumstances of the village or irrigation, the full *wet* assessment of every acre composing the Inam was not taken into the assets for the calculation of quit-rent, but only such portion of it was adopted as seemed fair in effecting a permanent settlement once for all.

5. Thus, if the Inam was 200 acres wet, and the present cultivation only 75, the full nunjah assessment of the latter extent, *plus* a discretionary charge on account of the remaining waste, formed the assets for the quit-rent, or, in other words, a fair reduction had to be allowed on account of waste, in order to admit of a permanent settlement being effected with the Inamdar.

6. Such reductions were comparatively few and moderate; but where they were made it was never intended to affect the Inamdar's future right to irrigate, without extra charge, the waste lands on which such deductions were allowed, provided he could not (?) do so with his accustomed supply of water.

7. I take this opportunity of submitting, for such consideration and orders as the Board may deem it to deserve, a question which has lately come before me in connection with the subject of Tirvajasti on Inams, namely, Is the holder of a whole

Inam village consisting of dry, wet, and porumboke lands, and liberty to cultivate, free of water tax, any lands, however classed, provided he does not exceed the total extent of wet covered by his title-deed? Or is he liable to Tirvajasti if he irrigates lands classed as dry or porumboke, notwithstanding that the total extent of wet cultivation is below that in the title-deed?

8. This is a question on which different opinions might be held; but the more liberal course would, in my opinion, be to leave the Inamdar free as to what lands he chooses to irrigate, provided the total extent does not exceed that confirmed in the title-deed.

RESOLVED that the papers above recorded be submitted for the consideration and orders of His Excellency the Governor in Council.

2. An apparent inconsistency between certain statements made by the Inam Commissioner, in reference to an Inamdar's right to a full supply of water for the quantity of land entered in his title-deed in a letter addressed to the Board in 1863, and the views expressed by him on the same subject in a subsequent letter on the general question of charging the excess in Inam lands gave rise to the foregoing correspondence.

3. Mr. Blair explained that the Inam village to which he referred in his first letter had been settled in an exceptional manner, and that therefore he was of opinion that a water-rate might be charged upon the lands entered in the title-deed as "wet," if it could be shown that they had never previously been cultivated with wet crops. It appeared that the Deputy Collector, when making the settlement of the village, had accepted the classification of the lands as given him by the village officer, as no title-deed was forthcoming, and as he proceeded under the general impression that the water-supply of Inam villages was regulated by usage and not limited to a particular acreage.

4. It is obvious that if the Inam settlement throughout the country had been generally conducted on these principles, so that the title-deeds, though professing to give a right to a defined quantity of irrigated land, in reality gave no title to water, the new tenure would have been robbed of many of its advantages. The Board accordingly requested the Inam Commissioner to state, whether as to minor Inams the classification entered in the title-deed was to be considered as final, and whether in calculating the quit-rent payable on enfranchisement by the holders of either minor Inams or of village Inams, the profits obtainable from the extent of land entered as irrigated in the title-deeds was taken into account. The Board put this question, as they considered that if such profits had been taken into account in calculating the value of the Inam it was certainly not competent for the Government to reduce such value by making any charge for water supplied for the irrigation of land entered as "wet" in the title-deeds of either description of Inam.

5. In his letter, dated 14th March 1865, No. 8, the Acting Inam Commissioner reported that so far as Minor Inams were concerned the investigation and settlement of the tenures on which they were held, embraced an inquiry into the rights of the parties to hold the Inams as "wet" or "dry," and that this point was determined on the best evidence available. At the same time he observed that he was not prepared to state that the fact of land being entered in a title-deed as "wet"

gave the Inamdar a right to more than his usual supply of water; but that, in his opinion, the correct course would be to allow to Inam lands entered in the title-deeds as "wet," the same supply of water as is allowed to Government lands under the same source of irrigation. An additional assessment being levied if the source of irrigation was improved at the Government expense. As to whole village Inams Mr. Blair explained that the collections made by the Inamdars during the last five years, or the assessment of the cultivated area with a discretionary addition on account of the waste, formed the assets on which their quit-rent was calculated; but in the cases of those whole villages which are not entitled to any definite share in the Government works of irrigation, he explained that the value of the whole amount of land entered as "wet" in the title-deeds was included in the assets, and was entitled to water without charge.

6. As the Acting Inam Commissioner had not distinctly stated that the value of a single crop on all the wet land entered in the Inam title-deeds had been taken into account in fixing the quit-rents on enfranchisement, and as his remarks as to the right of a holder of a minor Inam to water for such land were, in the Board's opinion, indefinite, the question was again put to him in the Board's Proceedings, under date 27th April 1865, No. 2,124. In his last letter recorded above Mr. Blair states distinctly that the wet assessment of the lands was taken into account in fixing the quit-rent; but he adds that when the quantity of wet land entered in a title-deed as "wet" was largely in excess of the usual cultivation, the profits derivable from the whole extent, if irrigated, were not included in the assets, but only the value of the cultivated portion, with a discretionary charge for the waste. When such reductions were made, however, it was never intended to affect the Inamdar's future right to irrigate those waste lands without extra charge, provided he could do so with his accustomed supply of water. In the same letter Mr. Blair raises the question whether an Inamdar should be charged water-rate if he raises wet crops on lands entered in his title-deed as "dry," provided the whole extent of wet crops raised are not in excess of the land entered as "wet" in the deed; and he expresses his opinion that in such cases no charge should be made.

7. So far as the Board understand the Acting Inam Commissioner, it seems that, as a rule, the settlement has been made with reference to the usual supply of water only, and that in fact the quantity of land entered as "wet" in the title-deeds gives no right, in his opinion, to water in excess of that usual supply, even though it had never irrigated half the quantity of land entered in his title-deed.

8. As observed by the Acting Inam Commissioner himself, it is an excessively difficult matter to determine what a "usual supply" of water may be, except by determining the number of acres to be supplied with water for a single crop.

9. The Order of Government noted in the margin, in which it has been ruled that all land entered as "wet" in the original Inam title-deeds is to be supplied gratis with water for a single crop, has, however, virtually disposed of the matter. Mr. Blair has reported that in determining the quantity of irrigated land to be entered in the new title-deeds, the Deputy Collectors obtained the best evidence available. The new title-deeds, therefore, may be taken to have been drawn up in as strict an accordance with the old deeds as was possible when many of those deeds were missing, and under the spirit of the Order just referred to, the

3rd February 1864, No. 1984.

holders of title-deeds from the Inam Commissioner would be entitled, free of charge, to irrigation for a single crop for all the land entered as "wet" in these deeds, subject, of course, to the rights to irrigation from the same source possessed by other persons. If the Inam Department have not exercised due caution in classifying the land in the deeds, the Board fear that it is now too late to rectify mistakes, and rather than throw discredit upon the settlement by casting any doubts upon its finality, they would recommend that a liberal reading of the rule be adopted; and that the Government Order referred to in the preceding paragraph be declared applicable to all Inam title-deeds, whether old or new. The Board are, however, unable to support the Inam Commissioner's proposal that no charge be made upon an Inamdar for water supplied for the irrigation of lands entered in the title-deeds as "dry," provided the total extent of land irrigated by the Inamdar is not in excess of the total quantity of land entered as "wet" in his title-deed.

10. It will be observed from paragraph 2 of the Acting Inam Commissioner's letter, dated 31st May 1865, No. 13, that in all cases in which the exemption from the Government demand was extended to the second crop, as well as the first crop, a special entry has been made in the register, so that if the recommendation made above be approved of by Government, no difficulty is likely to be experienced from the occasional occurrence of such cases. The Board feel assured that if the course now recommended be adopted, the indirect advantages which will accrue to the State from the additional security given to Inam property, will fully counterbalance any possible loss of revenue which may arise from the liberal policy advocated above.

No. 193. ORDER THEREON, 11th August 1865, No. 1,871.

Land Revenue.

THE Board are right in saying that the G. O. of 3rd February 1864 has placed the question beyond doubt. No Inamdar is liable to be charged for irrigation to a single crop on the extent of nunjah land expressed in his title-deed, and the Government see no reason to doubt that the extent has been recorded on the best evidence available. Where the nunjah is recorded as 2-crop land, the irrigation for two crops is to be free of charge. Where registered punjah is converted into nunjah by water from Government sources, it will be liable to pay the usual Tirvajasti, irrespective of the extent of *cultivated* nunjah in the Inam holdings.

2. The Government do not undertake to improve irrigation works for the benefit of Inamdars without any additional charge; but where the repair of works restores to the nunjah ayacut, in whole or in part, the original supply on which its classification as nunjah was based, it is simply just to allow the Inamdar to receive his fair share of the water free of charge.

(True Extract.)

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

To the Board of Revenue.

Exd E. C. Shunker.

No 68

Superintending Engrs Office
2nd Dn Bezwada
3d September 1870.

From Colonel F. J. Mosely R.E.
Superintending Engineer 2d Dn

To Colonel C. A. Orr R.E.
Secretary to Government
M. P. W.

Sir Referring to Proceedings 11th August
No 1909 para 2 I have the honor to observe
that the Collector of Nellore demurred to the levy
of any portion of the cost of repair from Inamdars
and referred the matter to the Board of Revenue
under the misstation impression that I or my
predecessor had introduced a novel demand-
2 The Subject has been laid before Govt
by the Board in their proceedings No 3706 of 31st
May 1870. and till orders are passed thereon,
I am hopeless of recovering arrears or payments
for future work, but am keeping the account
open -

I have the honor to be
Sirs
Your most Obt Servant
F. J. Mosely Colonel R.E
Superintending Engineer 2d Dn

Copy

No 2325

Proceedings of the Madras Government

Under date the 21st September 1870

Read the following

Proceedings of the Madras Govt. Revenue Dept. (P.W.C.) under date the 21st September 1870

From the Supdg Engineer (P.W.C.) No 2 Circle

To the Revenue Bd.

Reporting above recorded proceedings in which he communicates his opinion that the Supdg Engineers for the Kistna & Godavery will submit like information & submit his opinion called for in para 3.

The undersigned has the honour to transmit herewith (Square of Inamdars Memorandum) (Annual Statement) &c. Agricultural Statistics under Inamdars Circular No 66 of 1870 Dept. Register for Inamdars Rs 3552 from

The Supdg Engineer 2nd Division

To

The Secretary to Govt P.W.D.

Dated 3 September 1870

Rec'd 10th —

Observes that the Collector of Nellore demurred to the levy of any portion of the Cost of Irrigation repairs from Inamdars and referred the matter to Govt thro Revenue Board for orders.

No 2325 25th Sept 1870.

No 1461

officers should at once be adjusted by the Supt. Engineers concerned by specific appropriations from the Imperial grant.

W.B.

160
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L.O.

The Supt Engr. 2d Div.
all other Supt Engrs
Major Kennedy
The Controller of C.S. for 1871 & 1865
Assist

Nos 3547 & 3552

Govt. of Madras.

PUBLIC WORKS.

To The Superintending Engr
2nd Division

Read

Read

G.O. 27th Sept. 1870 No. 2325.

Nos. 160 & 162

Irrigation Works - Passing orders on the subject of collecting a portion of the cost of repairs to Irrigation Works from Inamdars benefiting by them -