

(1) பக்கங்களின் எண்ணிக்கை 8

(2) புதுக்கித் திருப்பிய நாள் 3/90

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

6/2

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P.W.D. துறை

108

அரசாணை எண். 425
மு. கோப்புத் தாள் எண்.

அச்சகம்
பலவகை

நாள் : 16-2-1891

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மடிக்கவோ கண்டபடி கையாளவோ கூடாது

4 Sheets

ஆவண, கர-1-13,006-15-6-87.

20/2

13TH FEBRUARY 1891, No. 105, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 29th January 1891, No. 617, Mis.:—

MR. J. GROSE.

Read—the following letter from W. J. H. LE FANU, Esq., Collector of North Arcot, to the Secretary to the Commissioners of Land Revenue, dated Arkónam, 18th January 1891, Ref. on Genl. Eng. No. 269:—

I have the honor to forward herewith in original (to be returned) the Head Assistant Collector's letter, No. 19, dated 13th instant, and its enclosures, as also copy of a letter, dated 16th instant, from the Dewan of Kálahasti zemindari to me.

2. I have referred to the subject in my letter, Ref. on Genl. Eng. No. 268 of this date, to the Secretary to the Commissioner of Revenue Settlement and Director of Land Records and Agriculture, and it would be convenient if both letters were considered together.

3. Mr. Buckley's letter treats of an application from the Dewan for a loan of Rs. 1,20,000 to be spent on the irrigation works of the Kálahasti zemindari. The Dewan has, I understand, already been in communication with Government on the subject of a larger loan and has received a favorable reception to his proposals. His present letter to me asks for a loan of 4 lakhs, of which Rs. 1,20,000 would be spent in the Kálahasti and one lakh in the Maderpauk taluk, the remainder, as I understand, to be spent in Pamur taluk in Nellore. The two former sums alone concern us now.

4. That the irrigation works of the zemindari are in a state of wholesale disrepair is unfortunately true. As I am informed, they have not been repaired for almost one hundred years. A large increase of rental will follow their repair, coupled with an increased security for the public revenue. The Zemindar is involved in debt and cannot find funds for the necessary repair himself. All doubt as to the *bona fides* of the application is set at rest by the request of the Dewan that the work should be done by Government.

5. The latter proposal is not unreasonable considering the very opportune moment at which it is made, for the failure of the monsoon makes it imperative that we should supply work for the indigent in the zemindari where we have no Government works, the East Coast Railway excepted, on which we could employ labor. The Dewan proposes that the Public Works Department should do the work, charging him only with the value at departmental rates of the work actually done, such other expenditure incidental to famine relief as may be necessary being debited to Government and that no charge should be made for supervision. Government has always to pay for supervision on famine relief, and I therefore support his proposal.

6. The only point in the present case which requires discussion is whether the loan comes under the terms of the Act and whether the security tendered is sufficient and can be accepted. The case is a peculiar one. We cannot, as in the case of Government lands, well take the tract to be benefited by each work as the security, for the value of the same, hampered as it would be by cultivators' rights, if any, could not

well be ascertained. To examine also each separate work would require a special officer for a long period, and the Head Assistant Collector could not possibly undertake such an inquiry consistently with his other duties which are unduly heavy in his division. The question, therefore is whether under the Act the loan can be granted when the security for the loan is other than the lands actually covered by each individual work.

7. I am at a disadvantage, for I have not the Act and rules in camp, but I have a distinct recollection that either in the Act or in the rules and forms prescribed under it provision is made for taking "other security." The whole loan being granted to the same person and all the works concerned belonging to him, the latter can, in my opinion, be treated as one work, and one security may be offered for the whole. In his original application to Mr. Buckley the Dewan tendered as security certain villages which are found to be unencumbered and worth more than the amount required. In his application to me the Dewan tenders as security for the larger loan the whole taluk of Kálahasti, which is, he says, worth from 12 to 14 lakhs and is unencumbered. I have written to the Sub-Registrar for a certificate on the latter point, but I presume that the fact is as the Dewan states it. As the question of relief in the zemindari is pressing, I have sent up the matter without awaiting his reply, which I shall forward later on, as also my opinion on the point referred to above, in reference to which I have sent for the Act and rules. I venture to request urgency for this proposal in the interest of the distressed in the zemindari.

ENCLOSURE No. I.

From L. E. BUCKLEY, Esq., Acting Head Assistant Collector of North Arcot, to the Collector of North Arcot, dated Kolattur, 13th January 1891, No. 19.

With reference to your Ref. on Genl. Eng. No. 4080 of 1890 on the subject of granting a loan to the Zemindar of Kálahasti under the Land Improvement Loans Act, I have the honor to report as follows.

2. The Dewan of Kálahasti, on behalf of the Zemindar, applies for a loan of Rs. 1,20,000 and proposes to expend it on the repair of 174 tanks and an anicut, all situated in 116 villages of the Kálahasti taluk. I submit herewith a copy of his letter, No. 73, dated the 5th November last, and a copy of the statement received therewith, in which a list of the works proposed to be repaired and the estimated cost of repair of each individual work and the particulars as to the nature of repairs are given. These enclosures have been marked A and B respectively. The loan would be applied to the improvement of the above irrigation works under the following items of repair:—

	RS.
Earthwork—	
(a) Repairs to bund, &c.	74,953
Masonry—	
(b) Construction and repair of sluices, oalingula, &c.	32,020
(c) Revetment to tank bund, &c.	12,627
(d) Repairs to anicut	400

The particulars of the tank bunds which are to have revetments have not been given by the Dewan. I have, however, asked him to furnish them and shall communicate them to you on their receipt.

3. I recommend that the loan applied for be granted.

4. In a case of this kind in which improvements are proposed to be made to a large number of irrigation works situated over an extensive area, a local inquiry such as that laid down in the rules framed under the Land Improvement Loans Act could hardly be made by a Divisional officer. It would require the appointment of a special officer for the purpose. The Act seems to have been primarily intended to apply to ryots and tenants having small holdings only. On the subject of the local inquiry, I already addressed you demi-officially and obtained your instructions. As it was impossible to inspect all the irrigation works without great loss of time and detriment to other work, I have only inspected 25 tanks. There is no doubt that these are all in disrepair. I forward herewith a list (enclosure C) of these, in which the nature of the repair needed is also given. The Dewan's statement so far as it relates to these tanks has been checked and the proposed repairs have been found correctly given.

5. It is scarcely necessary to refer to the *bona fides* of the Zemindar and his ability to repay the loan. I believe that he and his Dewan are anxious to improve the zemindari, and there need not be the slightest doubt as to the recovery of the loan. The only important matter to be considered is the security.

6. Nineteen villages in the Kálahasti taluk have been offered by the Dewan as security for the loan. These form a compact portion of that taluk. For reasons stated in paragraph 1 of your reference, the lands under each source of irrigation have not been taken into account for purposes of security. The average collections of the past three years of these villages exceed Rs. 10,000 (*vide* enclosure E), the lowest figure being that of last year, about Rs. 7,900. The loan is Rs. 1,20,000. Security is required for Rs. 1,50,000. Rs. 6,000 per annum is the amount necessary to give when capitalised at 4 per cent. the sum of Rs. 1,50,000. The security offered is considerably over Rs. 6,000 per annum and may be accepted. None of the villages are charged with any encumbrance, and this has been ascertained from the Sub-Registrar of Kálahasti, in whose sub-district the villages are situated. His certificate is enclosed (enclosure D). A statement (enclosure E) showing the names of the above villages and their average rental during the last three years is forwarded. It has been prepared from the accounts of the zemindari furnished by the Dewan.

7. I presume that the zemindari has been registered in the name of the present Zemindar and that he is the proprietor. A reference to the records in your office would, however, make this matter clear. The Zemindar has a number of brothers, one of whom is said to have instituted a suit in the District Court of North Arcot for partition. I don't know whether the zemindari is partible or not. However this may be, the interest whatever it is, which the brothers may have in the estate, does not affect the present case. He is interested in improving it and any loan that may be raised and expended on its improvement would bind the brothers as well as the Zemindar.

8. The rate at which the loan would be granted and the period of repayment have already been decided by Government.

9. The Dewan, I learn, has gone to Calcutta and has not probably yet returned. He has not filed an application in form A, but I shall have one prepared as soon as I reach Kálahasti and submit it without delay. I am now in the Maderpauk division inspecting villages and ascertaining the state of the season, and shall arrive at Kálahasti on or about the 21st instant.

10. I venture to suggest that orders of Government for the grant of the loan be obtained as early as possible. The security bond may be obtained from the Zemindar and order in form B issued after its receipt. I am sending you a report in a few days on the state of the season in the Kálahasti zemindari, and as I anticipate that relief works will have to be opened in Kálahasti, it will be well to arrange to have the loan paid to the Zemindar very early, so that the repairs may be commenced at once and some relief afforded to people suffering from distress by employing them as coolies on the works.

11. The Dewan desires the loan to be paid in two equal instalments, the first on the 15th March next and the second on the 30th June.

From M.R.Ry. R. RAGOONATH ROW, Dewan of Kálahasti, to the Acting Head Assistant Collector of North Arcot, dated Kálahasti, 5th November 1890, No. 75.

In supersession of all statements submitted up to date, I beg to forward herewith a complete statement showing, as per form favored by you, the number of tanks in the taluk of Kálahasti, the nature of repairs they require and the estimated cost of repairs, &c., amounting to a lakh and twenty thousand rupees.

2. I have already furnished to you the particulars of the two tracts or divisions of the taluk of Kálahasti, the revenue of which is more than sufficient security for the loan of Rs. 1,20,000 according to the rule laid down by the Collector of North Arcot in his memorandum, dated 4th August 1890, No. 4080.

3. I have instructed my Personal Assistant here to submit to you all the accounts and informations you may require for the examination of accounts and tanks and to show to you the tanks requiring repairs.

4. I am prepared to render any aid you may require from me to enable you to complete your examination.

5. If Rs. 60,000 be paid to me on the 15th March and the other Rs. 60,000 on the 30th June next, it will suit me well for carrying out repairs.

ENCLOSURE No. II.

From M.R.Ry. R. RAGOONATH ROW, Dewan of Kálahasti, to the Collector of North Arcot, dated Mylapore, 16th January 1891, No. 119.

I beg to inform you that I have asked Government to grant a sum of not more than 4 lakhs of rupees for the improvement of the irrigation works of the zemindari of Kálahasti. A copy of this application is enclosed (will follow).

2. I have already written to your Head Assistant Collector to obtain sanction in due course for lending Rs. 1,25,000 (a part of the said 4 lakhs) for improving the tanks of Kálahasti, one of the taluks of the zemindari. As the Zemindar is the proprietor of the estate, it is a holding

of his and all the tanks to be improved therein can be held to be the proposed work (*vide* paragraph 8 of notification II attached to G.O., dated 7th June 1886, No. 434, Revenue). The estate is prepared to give as security all the land benefited by the improvement as well as particular tracts, the average collected rental whereof is more than the sum demanded as security by the rules; neither of these has been encumbered. In fact, the whole taluk of Kálahasti is unencumbered, and I am prepared to offer the whole of that taluk, which is worth more than 16 lakhs of rupees, as security for the loan.

3. I therefore believe that I have satisfied all the conditions of the rules and beg that early sanction be obtained for granting the loan of the aforesaid sum of Rs. 1,25,000 as soon as possible. I mention this sum in particular as I have already given you a list of works to that amount.

4. Considering the state of the season of this year, I think I would be justified in pressing you to use all expedition in obtaining sanction for this loan. An application for a further lakh or so with list of works to be repaired is being prepared for the Maderpauk division and will be submitted to you soon. I would not be doing my duty to the estate if I were to spend the money on these works, as famine works for the estate cannot get the full money's work if it be spent now when wages are abnormally high and the work done by famished people must necessarily be less than what could be demanded from ordinary coolies. In these circumstances, I would prop yoose forur favorable consideration the following :—

(1) That the works pointed out by me may be carried out by Public Works Department agency of Government.

(2) That out of the actual cost of the works, that part which may be equal to the cost at usual rates be alone considered as loan to the estate, the rest being charged to the alleviation of the distress.

(3) That the usual charge of 25 per cent. for Public Works Department supervision be borne by Government.

(4) That for the sums actually spent, the estate shall execute the usual loan bond to Government as prescribed in the rules quarterly on the 1st April, July, October and January next.

Resolution—dated 29th January 1891, No. 617, Mis.

Submitted for the orders of Government.

2. It will be within the remembrance of Government that the Zemindar of Kálahasti has once before applied for a loan from Government under the Land Improvement Act, and the last Government Order on the subject, that of 4th June 1890, No. 3393, practically promised him a loan on favorable terms if a more definite and satisfactory application were sent in.

3. In connection with the present scarcity the Zemindar renews his application and asks for a loan of 4 lakhs, Rs. 2,20,000 of which refer to that portion of his estate which lies in the North Arcot district; he offers as security the taluk of Kálahasti which, he says, is unencumbered, and offers to leave the execution of the works, to which the loan is intended to be applied, in the hands of Government officers, provided that he is only called on to repay the ordinary market value of the work done, *i.e.*, not famine rates, and not charitable relief and not superintendence.

4. The application is made nominally under the Land Improvement Act, but there are difficulties in the way of this, *e.g.*, the novel and conditional nature of the application and the question as to the sufficiency of the collateral security, in view of possible prior encumbrances and in view of a possible partition of the estate.

5. The only matter that really presses is the provision of work in the portions of the Kálahasti estate which are in North Arcot, viz., Maderpauk and Kálahasti. What is stated by Mr. LeFanu and Mr. Buckley seems to prove that some work must be provided there or near there. Mr. LeFanu talks of the part of the proposed East Coast Railway which may pass through Ponnéri, but that has not been sanctioned yet and cannot be relied on. Mr. Buckley speaks of roads and drinking-water tanks, but money spent on roads would be wasted, as neither the estate nor the Local Board could finish them or keep them up. For money spent on drinking-water tanks—and much labor could not be provided in this way—Government would get no return except in the increased comfort of zemindari tenants. There remain the proposed irrigation works costing Rs. 1,20,000 in Kálahasti and Rs. 1,00,000 in Maderpauk, for which the loan has been applied for. These would, the Board considers, afford work enough for some

time to come, for, after hearing the results of Mr. Clogstoun's inspection, the Board thinks the numbers, which Mr. LeFanu and Mr. Buckley estimate, will want relief are greatly exaggerated. The Zemindar seems to be ready to leave the estimating and supervision entirely to Government and to pay the normal value of the works done—*vide* Mr. LeFanu's letter to the Commissioner of Settlement, dated 18th January 1891, paragraph 2. This seems to the Board to be a fair arrangement. Some works must be provided by Government for purposes of famine relief and for work of this kind Government will be paid a great part of the cost.

6. Without embarrassing Government, therefore, with considerations about the Land Improvement Act, the Board thinks the works may be undertaken as famine relief works, an officer of the Public Works Department being sent to the spot at once, and that a special bond may be taken from the Rajah, promising to pay the normal value of the work and pledging Kálahasti or part of it as the security. Even if the partition suit is persisted in and succeeds, the bond, the Board believes, would hold good, and the estate would have to be divided subject to that, but about this legal advice might be taken.

7. It is possible that the rain which has recently fallen in parts of the Kálahasti estate may lead to a material modification of the terms of the application for the loan, but the Board nevertheless forwards the papers on to Government for disposal as time presses and since it is possible that any further application which may be made by the zemindar will be made to Government direct.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting-Secretary.

To the Secretary to Government, Revenue Department,
with letter and enclosures, in original (to be returned).

Copy to the Collector of North Arcot.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 7th February 1891, No. 829, Mis.

THE HONORABLE J. GROSE.
MR. G. MCWATERS.

Read—the following letter from H. LE FANU, Esq., Collector of North Arcot, to the Secretary to the Commissioners of Land Revenue, dated 29th January 1891, Ref. on No. 269, Genl. Eng. :—

With reference to para. 7 of my letter, Reference on Gl. Eng. No. 269 of 1891, dated 18th instant, I have the honor to state that, on reference to Standing Order No. 112 and the forms thereunder, I do not find any provision in the rules for omitting to give as security the land intended to be improved by the work. Paragraph 9 of the rules and forms B and D distinctly provide for "Collateral security."

2. There is no doubt that the whole taluk of Kálahasti, which the Dewan proposes to give as security for the loan, is worth at least six times the two lakhs and twenty thousand now asked for. I do not see how, unless the rule is modified, we can dispense with the entry of the actual land to be benefited being included in form B. If this is to be done, the references to the sub-registrar will be interminable, and also each and every work will have to be inspected. It has taken some five months to get a report on only 25 of the works proposed. Unless a special officer is deputed for the purpose, I do not see how it is possible to have the local inquiry required by section 6 of the rules made. Even then the inquiry would occupy many months and could not possibly be made by the district staff.

3. Whether it would be possible to treat all the works as one work and to deal with the whole application in one B and D form is a question which might be referred to the Government Pleader for opinion. It would always be possible for Government to lend the money as a special case under a special deed and bond which could be drawn up as stringently as the case would require. Whether, however, this could be done under the Act I doubt. The loan is distinctly not such a loan as was contemplated by the Act, and the machinery provided for separate transactions of a small kind breaks down completely when applied on so gigantic a scale, e.g., with what prospect of receiving an early reply could I possibly ask the Executive Engineer to give me an opinion (subsidiary instructions see rule 3) as to the "feasibility, probable cost and merits generally, from a professional point of view, of the proposed works?" It would be years before I could get a reply.

4. I think therefore that we should not try to deal with this application under the rules. It should be made a special case of, and the advance made, under a special deed drawn up *ad hoc*, on the security tendered. The Dewan's wish that the work should be done by Government, places the *bona fides* of the application beyond doubt, and it is, I believe, the wish both of the Board and Government that the zemindari should be helped. It is not merely the zemindari that we are helping, nor are we merely providing an additional security for peishkash, but we are adding to the material prosperity of at least 100,000 persons.

Read—G.O., dated 2nd February 1891, No. 788.

Resolution—dated 7th February 1891, No. 829, Mis.

Submitted to Government in continuation of Board's Proceedings, dated 29th January 1891, No. 617.

2. Government has already passed orders on the subject in G.O., dated 2nd February 1891, No. 788.

3. The difficulty is to combine the promptitude required under the peculiar circumstances with the necessary security and check. The security offered seems to be sufficient without making inquiries with regard to each particular work.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with Collector's letter, in original, to be returned.

Copy to the Collector of North Arcot.

ORDER—dated 13th February 1891, No. 105, Revenue.

Miscellaneous.

The Government considers that the contemplated loan for the improvement of the irrigation works in the Kálahasti zemindari should be granted under the provisions of the Land Improvement Loans' Act, and that the considerations referred to in paragraph 4 of the Board's Proceedings, dated 29th January 1891, No. 617, should be kept in view in judging of the adequacy of the collateral security to be taken for the loan. A special bond of the kind proposed by the Board would not alone afford the requisite security.

2. In regard to the execution of the works, the Dewan was informed in G.O., dated 2nd February 1891, No. 66A, that the Government would be prepared to have them carried out under the supervision of an officer of the Public Works Department should this course meet with the approval of the Rajah and his Dewan. It is now

observed that in his letter to the Collector of North Arcot, written under date the 11th January 1891, the Dewan represents the urgent necessity for an early grant of a portion of the loan with a view to the employment of the distressed population, and points out that the value of the work done, if all applicants for work are admitted, will be less than if only able-bodied laborers were employed. He accordingly suggests that (1) the works proposed by him should be carried out by the agency of the Public Works Department, (2) that only so much of the actual cost of the works as is equivalent to its value at normal rates be charged against the loan to the estate, (3) that the usual charge of 25 per cent. for Public Works Department supervision be borne by Government. Looking to the present circumstances of the estate and to the necessity for providing employment for the poorer classes of the population, His Excellency the Governor in Council is pleased to accede to the Dewan's request.

3. Orders will issue in the Public Works Department for providing the staff required for carrying out the works.

4. With respect to the bonds to be taken for the proposed loan, the following procedure should be adopted. As soon as the estimate of the cost of repairing each proposed work is prepared by the Public Works Department officer deputed for this special duty, the approximate cost at normal rates, exclusive of charge for supervision, should be communicated to the Dewan as a guide to the amount of security required, and funds to this amount will be placed at the disposal of the Public Works Department officer by the Collector for carrying out each work. An application for a loan of the above amount should then be prepared in form A appended to the rules framed under the Act and forwarded to the Special Deputy Collector who will at once be appointed for conducting the local inquiry prescribed by the rules. This officer will forthwith proceed to conduct the inquiry and have the necessary bonds and other papers ready to be submitted to the Collector as soon as the actual cost of the work at normal rates is ascertained from the Public Works officer on the completion of each work. An order sanctioning a loan equal to the ascertained cost of each work will then be passed by the Collector, the Board or the Government according as the amount does not exceed Rs. 1,000, exceeds Rs. 1,000, but does not exceed Rs. 5,000, or exceeds Rs. 5,000, respectively; the taluk of Kálahasti, which is reported to be unencumbered, should be taken as collateral security for each loan.

5. The Board of Revenue will issue such further instructions as it may consider desirable for the guidance of the Special Deputy Collector and will report what additions to the grant for loans under the Land Improvement Loans' Act will be necessary as soon as the amount likely to be expended during the current and next years has been definitely ascertained.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
" the Commissioners of Revenue Settlement, Land Records and Agriculture.
" the Public Works Department.

Copy to the Dewan of Kálahasti.
" the Accountant-General.
" the Collector of North Arcot.
" the " of Nellore.

Exd. S. J. Pereira.

100 Copies.

Gobt. of (1891) Madras.
REVENUE.

Issued

Recd.

Encl.

G.O., 13th February 1891, No. 105.

FEBRUARY.

Kalahasti Zemindari.

Considering that the loan applied for by the Dewan of —, North Arcot district, for the improvement of irrigation works should be granted under the Land Improvement Loans' Act; issuing instructions as to the taking of security; and directing the Board to report what additions to the grant for loans under the Land Improvement Loans' Act will be necessary.

Order thereon:

no: 425 tr of 16th Feb 1891

Communicated to
Officers concerned in
continuation of G.O. no:
377 tr of 10th Feb 1891
2. The S.E. tr circle
will report without
delay what extra staff,
if any is needed with
reference to para 3
of the Rev. Dept G.O.

1. Sd/ H. L. C.B.

S. H.

Ch: Engr for Sd
Sd P. H. H. H.
S. E. tr circle
S. E.