

Public Works 11552 of 87

~~11552 of 87~~

(1898)

Department.

G.O., No.

373 107

DATED

15 February 1898.

15/2/98

[Despatch Abstract.]

Private tanks affecting Railways: Stating, with
remarks, that the Revenue Board's interpretation of
G.O. No. 5014, dt. 10th February 1896, on the subject of the
maintenance of —, is correct.

2

290/14

Dr
15/2/98

290/14

Stating, with remarks, that the Revenue Board's interpretation of G.O., No. 501 W., dated 10th February 1896, on the subject of the maintenance of —, is correct.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

READ—the following papers:—

Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), No. 636, dated 24th September 1897.

Resolution—No. 636, dated 24th September 1897.

With reference to the instructions given in paragraph 5 of G.O., No. 501 W., dated 10th February 1896, the Board begs to enquire whether it is right in informing Collectors that the doubt referred to in paragraph 4 of the Government Order does not relate to owners of private tanks who are holders of lands under ryotwari settlement.

2. Section 2 of Madras Act IV of 1886 declares that the term land-holders in that Act "shall not include holders of lands under ryotwari settlement," and the provisions of sections 4, 11 and 14 of the Act have, therefore, clearly no application to the owners of private tanks who are not land-holders within the meaning of the Act. Private tanks in ryotwari lands belonging to Government ryots, do not come within the scope of the Act at all.

3. The Board, therefore, understands that the term private tanks in paragraph 4 of the Government Order, was intended to refer exclusively to the tanks of zemindars, shrotriendars, jagirdars, inamdars and all persons farming the land revenue under Government, and that the doubt expressed was as to whether a suit under the Act against one of these could be carried to a successful issue. Two Collectors have understood the Government Order as directing that a trial suit should be brought to ascertain whether or not the provisions of the Act can be rendered operative against owners of private tanks who are Government ryots. One of them reports that steps will be taken under the Act, and the other asks instructions as to how he should proceed. Before declaring them to have misinterpreted the Government Order, the Board deems this reference desirable.

(True Extract.)

(Signed) R. V. SRINIVASIAR,
Secretary.

Mis. No. 5333, Revenue.

Transferred to the Public Works Department.

12th October 1897.

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

From the Chief Engineer for Irrigation, dated 19th November 1897, No. 335.
" " " " 22nd " " " 340.

ORDER—No. 373 W., dated 15th February 1898.

The Revenue Board's interpretation of G.O., No. 501 W., dated 10th February 1896, is correct.

2. If, however, a ryot is also a "land-holder" under the Act, and has a tank on land held by him as such "land-holder," not as a ryot, the Act would apply to him *quâ* such "landholder," with respect to such tank.

(True Extract.)

Under Secretary to Government.

To the Revenue Department,
with copies of notes by H.E. the Governor and the Hon'ble Member,
and of note by the Chief Engineer for Irrigation,
No. 340, dated 22nd November 1897.

" the Chief Engineer for Irrigation.
" the Consulting Engineer for Railways.
" Superintending Engineers.

End. T. K. Narayana Aiyangar.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.
 Again G.O., dated 189 , No.
 Current No. 10486 of 1897, dated 12-10-97, from the Rev. Dept-
 " " 11582 " 1897, " 19-11-97, " - Ch. S. for J.
 " " 11655 " 1897, " 22-11-97, " - do 20335
 2970 20340

ORDER. N. 373 Wg 15.2.98
 3 P

Long Note of 20.12.97. I was referring
 to private land, was touched by ryots, not
 'landholders', under P.W.D.'s Standing
 Standing Order, 5th of Chap I,
 page 13. These would not seem to
 come under the Act.

A.S.H.
 15.1.98

The Revenue Board's
 interpretation of G.O. no.
 501W dated 10 February 1896
 is correct.
 2. If however a ryot
 is also a "landholder" under
 the Act, and has a tank
 on land held by him as
 such "landholder", not
 as a ryot, the Act would
 apply to him qua such
 "landholder", with respect
 to such tank.

H.B. 13.1.98

To the Rev. Dept
 with copies of the G.O. in
 Ch. S. for J. and to the Rev. Dept
 C. S. for J.
 Supt. Secy

note. Revised draft G.O. sub-
 mitted for his sign approval
 with reference to the remarks
 on the original draft

Note

To Secretary.

Para 4 of G.O.

No. 501 W, dated 10-2-96

(flagged G) expressed a doubt

"as to whether the provisions

"of Madras Act No. IV of 1886

"can be rendered operative as

"against the owners of private

"tanks who neglect to take

"the requisite precautions to

"keep their tanks in a proper

"state of repair." With refer-

ence to this, the Board of

Revenue Enquired whether

the expression "owners of private

tanks" included those holding

lands under ryotwar settle-

ment (P. W. Current). As

the question raised related

to the interpretation of a

P. W. G.O., the B. P. was trans-

ferred to that Department, with-

out remarks.

2. The P. W. Dept. proposes

to issue an order (flagged U)

replying to the Board's query,

and forwards it for counter-

initials

1. Since the initiative - of
course this Dept. will be
consulted before final orders
issued 877

C. 7/2/98
R. 10/2/98

initials. In the notes which have been recorded in this connection, the following conclusions have been arrived at - (1) that Act IV of 1886 (Madras) does not apply to tanks, which Govt. ryots are allowed to construct under S.O. no 8 (new Edition), and (2) that para 6 thereof, which contemplates only one inspection of such tanks, i.e., after their construction, does not provide for the exercise of sufficient control by Govt. A suggestion to amend the S.O. is also made. The P.W.D. proposes to issue the draft order as now put up and transfer the notes to this Dept for consideration.

3. There is no objection to the adoption of this procedure; and the draft order may, it is submitted, be counter-initialed.

HM.
he may accept the P.O. as drafted.
As to the modification of the S.O.
it may be considered when the file is handed to this dept. 6/7/98
H.2.13-1-98 17-1-98

P.O. forwarded to issue
L.H. 2/98
CR

no
JG
9/2/98

To the P.W. & U.O.

P.W. DEPARTMENT.

Papers to be read in proceedings:-

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 10486 of 1897, dated 12.10.97, from The Rev. Dept.
" " 11582 " 1897, " 19.11.97, " The Ch. S. & P.
" " " 189 , " " "

ORDER.

Superseded
The Board's interpretation of S.O. no 501 W of 10 February 1896 is correct.

CR
L.H. 26.11.97

While accepting the draft G.O., I would draw with respect to the Board's remark in para. 9 of their Proceedings, No. 721, 17 March 1899, that the Board have perhaps overlooked the fact that ryots may sometimes own private lands.

Of course if a ryot is also a "landholder" under the Act & has a tank on land held by him as such "landholder", & has a ryot, the Act would apply to him as such "landholder" with respect to such tank. This will be apparent. I should say, but for safety's sake the point might be mentioned.

To the Rev. Dept.

Ch. S. & P.

C. S. for Rev.

Super. Secy

note. There seems no reason to doubt that the Board's interpretation of the G.O. is correct, and the Chief Secy for Rev. agrees in this view. Para 1 of the G.O. refers to zamindari or private lands.

11582
D
11655 3730
15/2/98.

W.

Submitted with
reference to the Hon Sir
H. Bliss' note of 19.1.98.

Proposed to send
to the file under H.E.
& to say that it is
proposed to issue the
amended G.O. as
drafted, - & after
obtaining the counter-
initialed of the Revenue
Secretary to it.

This question did
come through the Rev.
Dept, but the Rev.
Dept. transferred the
Rev. Board's Proc. to
the P.W. D. for disposal,
& orders were therefore
drafted in this dept.

In future, if
no similar question arises,
they will be sent first
to the Hon. Member
to the Hon. Council
in charge of the Rev.
Dept.

1.2.3/12/97
H.E. 13-1-98 17-1-98

Public Works

(189) Department

CURRENT No. 10456

11582

No 4524C dt 4.11.97
Order

To
J.

First favour of opinion
The file on the subject accompanies.

(Jd) W.B.D.W
W

12/11/97

From
The Secretary to Govt, Revenue

No. 5333

Dated 12-10-97

Received 20-10-97

Enclosures

Spare copies

SUBJECT.

Transferring Proce
of the Rev Settlement, Land Revenue
and Agriculture, Concerning
Tanks under Ryotwari Settlement.

12/11/97

P. W. Department

Note

Recirculated
with reference to His Excellency's
note dated 15th January 1898.

The orders referred to by His Excellency will be found at pages 14 and 15 of the Board's standing Orders. Standing Order 8 (b) has special reference to the safe condition of such tanks and it is thought that they certainly come under the 4

2222
18.1.1

I don't think the tanks referred to by H.C. come under the Act. In fact, they are expressly excluded. They must be dealt with under H.C. S.O. 8(6) - that is, if the tank owner who has constructed a private tank on Govt land does not keep it in a safe condition, the lands which he cultivates, with under it having only dry assessment will be charged with wet assessment for the future, and the Govt will assume possession of the tank. Considering that, in case of the tank, the wet assessment can legally be fixed at a prohibitory rate, these powers should, I think, afford sufficient protection to railways.

These land res: questions
raised by the H.W.D. should be
~~forwarded~~ sent through the R.D. & should
go to the Hon. Mr. Fox first—

21

85/1/61

Yes. But, I would suggest that the inspection mentioned in S.O. 8 (b) is a single inspection

Resubmitted Copy
His Majesty the Governor
with reference to the
Hon. Members and
and affecting, ^{the} ^{propos}

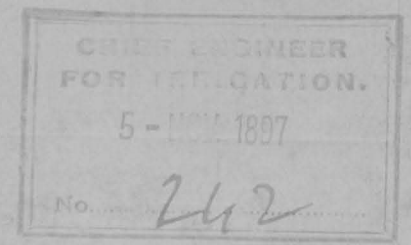
it is observed that
 para 6 of Board's
 Standing order no 8 (Chapter I)
 provides for Government
 interference "after
 completion" as it is
 of great importance that
 this class of tank should
 when affecting rail ways
 be kept in order as far
 as class of tank, it
 might be well to inquire
 whether this class of
 it cannot be dealt
 it under the
 existing order quoted.

W 11582
 11655
 Submitted with refer
 to this Govt note.
 Proposed to circulate
 the draft to Hon. members.
 Mr Hon. Sir H. Blair
 will probably refer
 to this Govt remarks.
 C 17.1.98

Where are the Board's
 Standing orders referred
 to? W 17

Public Works (1897)) Department.

CURRENT No. 11582
~~10456~~



From The Secy. Govt. Rev. Secy.

No 4524c dated 4th November 1897
 To J

For perusal of
 opinion -
 The file on the
 subject accompanying.

No. 5333

Dated 12th October 1897
 Received
 Registered } 20.10.97
 20.11.97
 Enclosures 2
 Spare copies

W. No 335 dated 19.4.97

The Board's interpretation
 of G.O. 501 W. dated 10th Feb 96
 is considered correct.

SUBJECT.
 Transferring Pro. of the Rev.
 Settlement, Land Records
 & Agriculture, concerning
 Private Tanks under Ryotwari
 Settlement.

W 19.11.97

N^o 10303 of 4-12-96 ✓

" 501 W. 10-2-96 ✓

" 3564 C. 20-11-95 ✓

" 2797 W. 4-11-95 ✓

" 3852 C. 1-12-94 ✓

" 10862. 26-9-95 ✓

File of papers relating to
Madras Bill 3 of 1885. ✓

S.O. of the Bd. of Rev.

Chap. I & II & Madras

Act N^o IV of 1886.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Via Circulate. & say the
orders referred to by
H.S. will be found at
pages 14 & 15 of the
A.S. standing orders.
S.O. of (6) has special
reference to the safe
custody of such
papers & it is thought
that they certainly
come under the Act

[Signature]
17.1.96

REVENUE DEPARTMENT.

1897.

Board of Revenue

(Revenue Settlement, Land Records and Agriculture),

MADRAS.

Recd. 7.10

Regd. 8.10

1897.

Enclosures

Spare copies

Printed October th.

Proceedings, No. 636, 24th September 1897.

Endorsement *no* 5333 d/12. Oct 1897

Transferred to the Public
Works Department

Secretary to Govt. R.D.

SEPTEMBER.

Private tanks.—Requesting to be informed whether the Board is right in informing Collec-
tors that the doubt referred to in paragraph 4 of the G.O., No. 501 W., dated 10th February
1896, does not relate to owners of — who are holders of lands under ryotwari settlement.

PROCEEDINGS OF THE BOARD OF REVENUE
(REVENUE SETTLEMENT, LAND RECORDS AND AGRICULTURE).

RESOLUTION—No. 636, dated 24th September 1897.

With reference to the instructions given in paragraph 5 of G.O., No. 501 W., dated 10th February 1896, the Board begs to enquire whether it is right in informing Collectors that the doubt referred to in paragraph 4 of the Government Order does not relate to owners of private tanks who are holders of lands under ryotwari settlement.

2. Section 2 of Madras Act IV of 1886 declares that the term landholders in that Act "shall not include holders of lands under ryotwari settlement," and the provisions of sections 4, 11 and 14 of the Act have, therefore, clearly no application to the owners of private tanks who are not landholders within the meaning of the Act.

Private tanks in ryotwari lands, belonging to Government ryots, do not come within the scope of the Act at all.

3. The Board, therefore, understands that the term private tanks in paragraph 4 of the Government Order, was intended to refer exclusively to the tanks of zemindars, shrotriendars, jagirdars, inamdars and all persons farming the land revenue under Government, and that the doubt expressed was as to whether a suit under the Act against one of these could be carried to a successful issue. Two Collectors have understood the Government Order as directing that a trial suit should be brought to ascertain whether or not the provisions of the Act can be rendered operative against owners of private tanks who are Government ryots. One of them reports that steps will be taken under the Act, and the other asks instructions as to how he should proceed. Before declaring them to have misinterpreted the Government Order, the Board deems this reference desirable.

(True Extract.)

R. V. Srinivasan
Secretary.

To the Secretary to Government, Revenue Department. ✓

Copy to the Chief Engineer for Irrigation, Tank Restoration Scheme,
with reference to Reference Order, dated 16th September 1897,
on General Register No. 6900 of 1897.

Ed. P. Seetharam.

MEMORANDUM.

For C. No. 10456

to return
REQUESTED ~~for reference~~ the undermentioned papers:—

*File connected with G.O. No. 501 W. 10-2-96
sent to I office for R. No. 3-II of 96 on 22-2-96
no file received when the original returned
from your office. I herewith sent the
original for perusal and return.*

P. W. SECRETARIAT,

Chepāk

189 . }

To

The