

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1544	Press
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Dated	17 - 7 -	191862

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
17th July 1862.*

No. 234. Read the following Proceedings of the Board of Revenue, dated 31st October 1861, No. 5,959:—

Read the following letter from G. N. TAYLOR, Esq., Inám Commissioner, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Palmanair, 3rd July 1861, No. 282.

SIR,

1. I have the honor to acknowledge the receipt of a copy of the Proceedings of the Board of Revenue, dated 23rd April 1861, No. 2,110 in paragraphs 39 to 41, of which they discuss the question of a water rate on Ináms, and inquire (paragraph 41) on what basis the Inám assessments in the Godavery District were calculated by this Department.

2. I beg to state that the assessment on the Ináms was formed irrespective of the advantages derivable from anicut irrigation; and though no express reservation on this point was made in the Title Deeds, it was generally explained to the Inámdárs that their lands would be liable to a separate water rate for irrigation supplied from the anicut. So far, therefore, as the settlement concluded by this Department is concerned, the right of Government to levy a water cess is not affected.

3. I am of opinion, however, that the option of refusing the irrigation will be the only safeguard, open to the Inámdárs, against injustice and inequality in the imposition of a uniform water cess; and I think that this principle should be followed in substance, even if it is not deemed expedient to allow option to every individual holder of land, while recognizing the justice of the principle laid down by the Board, that in broad questions of this kind, the interests of the minority must yield to those of the majority, I think it only fair that the wishes of the general body of Inámdárs of each village, or of each tract uniformly circumstanced, should at least be consulted before their lands are subjected to a compulsory permanent charge for water. It seems to me that Ináms cannot with justice be brought under the same treatment as the Government lands, because on the latter the incidence of the water cess is, to a great extent, equalized by the reduction and modification of the dry tarams of the lands; whereas, in the case of Ináms, the water rate ought to fall solely and entirely on the additional profits derivable from anicut irrigation, and ought not to trench on the original income, or return, from the land. Caution would seem to be especially required in this respect, because doubts have, from the first, been entertained as to whether a uniform cess of 3 Rupees an acre would not press with undue heaviness on certain classes of soils. When I quitted Rajahmundry, in the spring of last year, considerable apprehensions were expressed by the Inámdárs of Tanuku and Mogaltur, that the water rate would lead to the annihilation of Inám property. These apprehensions derive no little force from the remarks of the Deputy Director in paragraph 138 of his report, where he foresees the possible contingency of the whole Tálug of Tanuku bodily declining to take water in order to escape the payment of the water rate. So long as the combined assessment on Sirkar lands is fair and moderate, I am prepared to admit that it is neither necessary nor expedient to allow any option to the Ryots. But such a contingency as that foreseen by the Deputy Director, the probability of which can scarcely be questioned, argues conclusively to my mind that the water cess is likely to absorb the whole of the additional profits on Inám lands.

4. Under these circumstances I would strongly recommend that the Collector and his Deputies, be requested to institute a careful scrutiny into the bearing of the water rate in the different parts of the District. Such an inquiry is attended with no difficulty as regards Ináms which are generally rented out by their holders; and as the anicut irrigation has been in use for some years, it will be easy to ascertain what increase of rent the Inámdárs have derived since its construction. If, from this inquiry, it should appear that, after making due allowance for the advantages of the general rise of prices in recent years, the increase in the Inámdár's rental is such as would leave a clear broad margin of profit over and above the proposed water rate, there can be no positive hardship in compulsorily enforcing the cess; but, should it be found that the water rate absorbs the whole, or nearly the whole of the profits secured by the irrigation, and by the water carriage derived from the anicut, so as to leave no sufficient inducement to incur the risk and uncertainty of a change from the ordinary routine of cultivation, the voluntary principle

will best determine what reduction ought to be made in the cess, or whether it is preferable, so far as the Inámdárs are concerned, to continue the present course of dry cultivation. I deprecate any system which may have the effect of *compelling* landholders to change *that* course or description of cultivation which they may consider most advantageous to them. As remarked by Mr. Master dry cultivation on the rich Regada lands of Tanuku and Mogultur has many advantages. It is less exhaustive of the energy or productive power of the land; a second crop of dry grain can always be raised after black paddy sown as a dry crop; and the prices of dry grains relatively to paddy are steadily rising. It appears to me, therefore, that all complications resulting from the unequal pressure of the water rate, on the Regada Inám lands, will be best avoided by allowing the Inámdárs the option of raising, either a dry crop of paddy by temporary irrigation, subject to a permanent water charge of 1 or 1½ Rupee an acre under Rule VI, or a wet crop subject to a water rate of 3 Rupees an acre; the dry lands being allowed to be permanently converted into wet, at any time that the Inámdárs may find it to their advantage to do so. This course does not seem to be allowed by paragraph 2 of the rules sanctioned by Government for paddy of whatever description and however cultivated. I submit, with deference, that the fairness of this rule is open to question. In the Regada tracts a dry crop of what is called black paddy, which is sown broad cast and never transplanted, is quite distinct, and is easily and readily distinguished from wet crop cultivation. It is usually raised, moreover, by means of the falling rains, or with as little irrigation as may be required by other descriptions of dry grain.

5. These questions, however, will be best decided by the results of the inquiry into the bearing of the water rate on Inám lands, the institution of which I have suggested above. In the meanwhile discretion should be given to the District authorities to make such general temporary remission in the water cess as may be required in parts of the District to prevent injury to private rights.

Board's Proceedings, dated 23rd April 1861,
No. 2,110, paragraphs 39-41.
Government Proceedings, dated 24th June
1861, No. 1,231, R. D., paragraph 9.

1. Ordered that the above paper be submitted to Government, with reference to the correspondence noted in the margin.
2. The question which has to be decided is the mode in which Inámdárs holding lands under the anicut works are to be charged for irrigation, whether they are to have the option of taking or refusing water, and if the option is not allowed, how the water cess can be collected from them in case of refusal.
3. As the decision on these questions must in great measure depend on the terms on which the Inám Commissioner had enfranchised the Ináms from their old disabilities under the former rules regarding succession, he was requested to state what those terms were, and his reply is recorded at the head of these Proceedings.
4. Mr Taylor states that his assessment on the Ináms was formed "irrespective of the advantages derivable from anicut irrigation, and though no express reservation was made on this point in the Title Deeds, it was generally explained to the Inámdárs that their lands would be liable to a separate rate for irrigation supplied from the anicut. So far, therefore, as the assessment concluded by this (the Inám) Department is concerned, the right of Government to levy a water cess is not affected."
5. He, however, proceeds to express his opinion that in all fairness the Inámdárs of each village or of each tract uniformly circumstanced should have a voice in the decision before their lands are subjected to "a compulsory permanent charge for water," and he points out that their lands are not on the same footing as the Government lands in regard to irrigation from the anicut, as the assessment on the latter has under the revised settlement been fixed solely with reference to their natural capabilities without irrigation, and that to place Inámdárs on an equal footing, the water rate should fall solely and entirely on the additional profits derivable from anicut irrigation.
6. On this principle he proposes that Inámdárs should be allowed to raise dry crops with temporary irrigation on dry lands on payment of a water charge of Rupee 1 or 1½ per acre, or a wet crop on the same class of land at the full rate of Rupees 3 per acre, with the option of

converting the dry lands permanently into wet at any time they may find it to their advantage to do so.

7. The Board fully recognize the equity of the principle involved in the distinction drawn by Mr. Taylor between the position of the Inám lands and of the Government lands under the revised assessment, and in respect to Ináms classed as "dry," they see no difficulty in the way of imposing a fair water rate.

8. The rule submitted to Government with the letter from the Board, dated 1st June 1861, No. 2,843, may be applied to the cases of dry Ináms, as equitably as to Government lands not classed as irrigated. Rules V, VI, VIII and IX would place the Inámdár nearly in the position in which Mr. Taylor would desire him to be. But there is one important point still to be decided—Is the Inámdár whose dry lands are brought within the influence of permanent irrigation to be permitted to refuse to take water?

9. It is obvious to remark that where the Inám lands are contiguous to, or surrounded by Government land under irrigation, the Inámdár's refusal or acceptance of water when the lands are situated in a Delta of nearly uniform level and stratification must be a mere form in great measure. His lands *must* by percolation derive very sensible benefit from the irrigation supplied to the surrounding lands, and for this benefit, supplied at the cost of Government, he would under Mr. Taylor's scheme have the option of paying nothing. A limit must be placed to such a discretion as this, and where Inám lands are situated as above supposed, the Board consider that Rules II and VII may fairly be applied to the cases of Inám lands classed or registered as dry. When a whole village is Inám, or where the great majority of the lands in a tract of uniform character are Inám, the option might be allowed to the Inámdárs of deciding whether their lands shall be irrigated or not, but if they accept irrigation, they should come under the standard rules for the assessment of the water rate.

10. There remains to dispose of the case of Ináms registered as "wet." There can be no doubt that when such lands are situated in a tract which has come under the influence of the anicut works, the certainty and in all probability the sufficiency of the supply has been greatly improved.

From the Collector of the Godavery District,
dated 21st January 1861, paragraph 11, in
Board's Proceedings, dated 18th February
1861, No. 895.
From the Acting Collector of the Kistna
District, dated 17th June 1861, paragraph
4, in Board's Proceedings, dated 6th July
1861, No. 3,565.

11. It was admitted by the Collectors of both the Godavery and Kistna Districts in the correspondence noted in the margin, that prior to the construction of the anicut, none of the Ináms which now are benefited by its effects can be said to have been otherwise than "imperfectly irrigated," and under these circumstances the Board think that the simplest arrangement, and one which cannot be said to be otherwise than liberal to the Inámdárs would be to charge the half rate or Rupees 1½ per acre on all wet Inám lands whose irrigation has been rendered no longer precarious by the construction of the anicut and its dependent channels. Exceptional cases of disastrous floods, or more or less complete failure of supply in seasons of excessive drought would of course be treated exceptionally, but as a general rule the Board think that what is above proposed will alone be found practicable and generally acceptable, while it reasonably secures the rights of Government. A legislative enactment is of course necessary to give it legal force, and to allow of the cess being realized on default by the same means as the Land Revenue.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, Secretary.

No. 235. Proceedings of the Board of Revenue, dated 7th February 1862, No. 868.

Read the following letter from G. THORNHILL, Esq., Acting Collector of Kistna District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Masulipatam, 4th December 1861, No. 305.

SIR,

1. Adverting to the Board's Proceedings, No. 5,959, dated 31st October 1861, and more especially to paragraphs 10 and 11 in which the question of Ináms registered as "wet" is disposed of by the Board proposing to levy an universal water rate of 1½ Rupees an acre on all Ináms so

6 *Proceedings of the Madras Government, Revenue Department,*
17th July 1862.

"its dependent channels," i.e., in effect to omit words italicised in the preceding quotation from Rule XI.

9. The Government accept both these modifications. The option to be allowed in the case of *dry* Ináms is only fair, and in their order marginally noted* they have in fact admitted the propriety of the change as regards *wet* Inám lands in these Deltas.

* G. O. 27th March 1861, No. 712.

10. The Board will be good enough to submit a revised Rule in place of Rule XI sanctioned in Government Order, 26th October last, No. 2,054.

11. In order to remove all doubt as to the legality of realizing the water cess on Inám as well as Government lands, the Board will prepare a Draft Act for submission to the Council for making Laws and Regulations at its next sitting.

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

The Govt concurs
with the Board that the course
recommended by them is the
most equitable. The same
rule must be applied in
the future as in the Godavery
District in which apparently
no such difficulty as Mr
Shornhill represents has
yet been experienced.

JDS

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JDS

Madras Government, Revenue Department,

Station

Copy in a letter to the
2nd November 1885
Land Revenue

Rev. 1882 Disputes
No. of Govt. No. 354.

Proceedings of the
Board of Revenue

Dated 7th Decr 75
Decr 75 February 1886
No. 803

1885

O.C. 15th. 17th July

Transmitting with
marks a letter from the
Director of Revenue
regarding the long
water rate of 1/2
an acre on all
registered as well

No 235

W. R. R. R.

W. R. R. R.

W-15th - Revenue Department

Proceedings of the Madras
under date the 17th July 1882

Read the following Res. of
the Board of Revenue

Revenue 31st Decr 1885 No. 5959
47th Decr 1886

1. These letters relate
to a question which arose
during the consideration
of Mr. Newell's proposals
for the assessment of the
Western Siltas of the So-
davery District.

2. Referring to certain
Rules for the levy of water
cess in the Sodavery and
Kistna Siltas, Mr. Purvis,
the collector of the former
District, had asked whether
that one which prohibits
the transfer of land from
wet to dry except when
the means of irrigation per-
manently failed, was to
apply to Indian lands, and
if so, how the claim was to
be enforced, in the event
of the refusal of the Indian
owner to pay.

3. The Director of

W. R. R.

Revenue Settlement was of opinion that "Indians are included under the rule just as much as foot lands, and that the improvement of the water assessment is legal in one case, just as much as in the other."

27th February 1861 No. 323-
para 58

4. The Board resolved, before expressing their views to ascertain from the Indian Commissioner on what basis his assessments were calculated; whether they included any equivalent for irrigation; and whether in the terms of his title deeds there was any reservation as to irrigation by foot. The consideration of the question was postponed by foot till the result of this reference was known.

23^d April 1861 No. 2110 p. 41.

L.O. 24th June 1861 No. 1231-

5. The Board now submitted a letter from Mr. Taylor stating that the assessment on Indians was formed in respect of the advantages derivable from ancient irrigation, and that it was generally explained to the Indians.

Indians that their lands would be liable to a separate water rate for irrigation so supplied. He was therefore of the opinion that the settlement in question, the right of foot to levy a water cess is not compromised.

6. Mr. Taylor is however of opinion that Indians cannot with justice be brought under the same treatment as foot lands, and though allowing the justice of the principle that the interests of the minority must yield to those of the majority, he thinks that the wishes of the general body of Indians of each village, or of each tract uniformly circumstances should at least be consulted before their lands are subjected to a compulsory permanent charge for water.

7. The Board pointed out that the revised rules, as they stand, if applied to Indians, would almost meet Mr. Taylor's objections. The only

* See L.O. 26th October 1861
No. 2054-

8. The rule for wet
Indian land is at present
as follows - "Lands which
have been granted as Indian
- for Indians, and fully re-
-negated accordingly at
the

11-20-64

9. The Book accept
both these modifications.
The option to be allowed
in the case of org Luanda
is only fair - and in their
order marginally noted
then

Q. 27 Frank / 61 No 712, order marginally notes

they have in fact ad-
mitted the propriety of the
change as regards wet
Indian lands in these letters.

10. The Board will be
good enough to submit
a revised rule in place
of Rule II sanctioned in
S.O. 26 October last No 2054.

11. In order to remove
all doubt as to the legality
of realizing the water right
on Indian as well as forest
lands the Board will pre-
pare a draft Bill for
submission to the Council
for making laws and
Regulations at its next
sitting.

[Signature]

14. Copies to the Secy Rev. Dept. 15
13. Secy Rev. Dept. 14
5. Indian Commissioner

[Faint handwritten notes and signatures at the bottom of the page]

Copy in a Letter to England
D/2nd November 18th 1865
Land Rev.

Water rate on Inams.

27.2.55 ✓
28/105

P^{ro}: No. 486-487
27-3-61
210-211
24-6-61
116-117
8-8-61

Revenue 1862 Defult.
Pro: of Govt for July.

to 1544.

Pro: of the Madras Govt.
D/17th July 1862.

From Mr. Mundy 19th July 1863
CR-463 (Reply to P^{ro}: 10 of 25)
Cons-16 Jan 1864
No 101

Passing orders on papers
relating to the question of
water rate on Inams.

N^o 234 @ 236