

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1506

Press
~~Mis.~~

293.294

Dated 19-8-1864

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
19th August 1864.*

No. 293. Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, dated Madras, 23rd July 1864, No. 4,653 :—

SIR,

1. I am directed by the Board of Revenue to submit their reply to the Government Orders noted in the margin, which has been delayed longer than they could have desired, under the mistaken impression that the subject could best be disposed of in connection with other references from Government, which had also for their object the relief either of Imperial Funds or Imperial Establishments, from the charge or responsibility for minor works of repair or maintenance.

D. P. W., G. O. dated 14th November 1862, No. 2,743.
Do. do. 1st December 1862, „ 2,862.
Government Order dated 18th June 1863, No. 1,599.

2. In paragraph 6 of the Report of the Committee on the re-organization of the Department Public Works, the Committee remark that they are disposed to look to the mode suggested by His Excellency the Governor for supplementing the agency of the Department, by imposing on the Ryots the duty of keeping in repair what may be called Village Tanks in contra-distinction to those which supply water to a considerable number of villages, and perhaps also the Village Roads, and they go on to suggest that an Act should be introduced in amendment or extension of Section 6, Act I of 1858, giving power to Government to declare from time to time what irrigation and other works shall be kept in repair by the village community, and to enforce their execution by imposing a fine on such of the Ryots as may fail to contribute their proper share of labor, to double the estimated value of such labor; with the condition that the Act should not any where be enforced until the irrigation works have been put into good repair, and that in each case on the transfer of the work a portion of the Land Revenue shall be remitted in consideration of the State being saved the cost of putting (? keeping) the work in repair, this proportion being settled by taking the average expenditure on the work concerned for a series of years.

3. The feasibility of working such an Act was referred in paragraph 5 of the Government Order on the Report for the opinion of the Board among others.

4. The Board may observe at once on the proposal as it regards Village roads that they see very great difficulties in the way of working such a system, and some serious objections to the principle of the proposal.

5. In the first place Village Roads never have yet been repaired or maintained at Government cost, and to put them in repair would require an enormous expenditure of money for a lengthened period. It would moreover be exceedingly difficult to define what should in each village be brought under the operation of the system, and it does not appear just or equitable to burden the Ryots with the responsibility of maintaining such roads to the exclusion of all other classes of the community.

6. The Board would as regards Roads prefer the system of a fixed cess on the land which is already in existence in some Districts, and may easily and gradually be extended to all, the proceeds derivable from this cess being reserved as Local Funds for expenditure in the Districts in which raised.

7. Whether it is desirable to combine with this any system of forced labor on roads such as is believed to be in successful operation in Ceylon, is a question that may deserve consideration, but with which the Board, in the absence of detailed information on the subject, feel incompetent to deal. They however consider that Mr. Ballard's proposal of a House tax for local road improvements, is deserving of consideration.

8. The Board propose therefore to consider the Committee's proposal in connection solely with Village Tanks, and at the same time to submit the information called for by Government as to the Board's former proposal for the relinquishment to the Ryots of all tanks watering an occupied area of not more than 10 Cawnies (equal to 13.22 Acres) of land, on the condition of their paying the Purjah assessment on the entire cultivable Ayacut below the tank.

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9. The accompanying Statement and file of replies from Collectors furnish full information as to the probable results of the Board's proposal, and the following abstract exhibits them in brief:—

Number of Tanks concerned.	Total extent of land occupied under them.	Average occupation under such Tank.	Ten years' average of annual revenue (Nunjah) derived from the Tanks.	Total Nunjah assessment on the whole Ayacut under the Tanks.	Estimate of Punjab assessment on do., calculated at 25 per cent. of Nunjah do.	Ten years' average of actual annual expenditure on the Tanks.	Average annual net Nunjah revenue.	Difference between Columns 8 and 9.
1	2	3	4	5	6	7	8	9
9,319	Acres. 50,730	A. G. A. 5 17 12	Rupees. 1,53,270	Rupees. 2,52,248	Rupees. 70,562	Rupees. 10,298	Rupees. 1,42,972	Rupees. 72,410

10. On the above showing, the Government would be relieved of the charge of putting and maintaining in repair upwards of 9,000 petty tanks by an estimated sacrifice of revenue amounting to some Rupees 72,500, but the Board observe that this sacrifice is certainly over-estimated, inasmuch as the actual money expenditure on the works (column 7) by no means represents the total cost to Government of the little that has been done to them, as the most expensive item, viz., the cost of professional and trained superintendence of the work is not included, and cannot be estimated, and an equally important consideration to Government (to which the recent change in the Department adds weight) is the extent to which the time and attention of a highly trained Department is diverted from most important and pressing duties, to these petty matters. Moreover it would not improbably be found that the estimate of the Punjab revenue (column 6), which is altogether arbitrary, is under the mark, and it must also be remembered that these tanks are annually deteriorating according to all evidence, and that the present Nunjah revenue cannot be deemed permanent unless far larger expenditure be made on the works.

11. The majority of the Collectors approve the Board's proposal, and the Board continue of opinion that it is well deserving of consideration, for the tanks are not really maintained in order by Government at present. It will be observed that the average annual expenditure is about Rupees 1½ on each tank.

12. To resume the consideration of the Committee's proposal as regards Village Tanks. The principle on which it proceeds is nearly identical with that of the Board's proposal above discussed, and has their approval; for when the Committee say that the repair of a breach in a village tank bund or channel bank "ought to be left to local agency," the Board assume them to mean that on considerations of public convenience and of an equivalent compensation for the labor and responsibility involved, such works should be left to local agency, and not that the villagers are under any greater obligation to execute the work when the tank is small in size than when it is large, unless allowance has been made in the assessment on the land. But while approving the principle, the Board cannot conceal from themselves that there are serious obstacles to the satisfactory working of the system in practice.

13. In the first place it is to be remarked that a very large amount of public revenue will be made dependant on the honest performance by private individuals of a duty which it will not be easy to enforce, and in connection with this point it is not irrelevant to remind Government of the result of the decennial village leases, on the expiration of which it was almost everywhere found that the private interest of the Ryots had not been a sufficiently powerful motive to ensure the necessary attention to the works of irrigation on which private rents as well as public revenue were dependant. The system of Dusbundum has also very generally broken down in actual practice.

14. The fact that it is proposed to take powers for compelling the necessary attention does not deprive this consideration of all weight, when it is perceived that the constant exercise of those powers to the fullest extent would be probably no less necessary than difficult. Some

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system of responsible superintendence must be organized if the public revenue is to be maintained. It will not do merely to punish for default as evidenced by loss of revenue and proved on subsequent inquiry. In the interests of the people as well as of the State it would be necessary that the regular performance of the stated duty be strictly enforced, for maintenance is far more economical than restoration. But to secure this result will add to the cost of the system, and this consideration leads to that of the amount of remission which will probably be necessary to attain success.

15. It will not do to estimate the cost of future maintenance on the average of past expenditure. No doubt the villagers can, if they will, perform the necessary work far more economically than Government could do, but prices have risen so greatly of late years that any estimate based on an average of past years would be fallacious even had the expenditure been more nearly in proportion to the needs of the case; and moreover while it does not admit of question that the minor works in question have not been maintained by Government in an efficient state, it is equally certain that much of what has been done was effected by means of unpaid labor.

16. It may be argued that unpaid "customary labor" may, under the proposed system, be exacted as legitimately as under existing arrangements, and the Board do not wish to dispute the assertion, but they are of opinion that the theory of "customary" liability to execute repairs to irrigation works has been strained far beyond what facts warrant.

17. The Board readily admit that where a work essential for the well being of the whole community is of so petty a nature that it can be far more effectively and economically executed by a private individual than by the Government, as the representative of the general community, it is no less equitable than expedient to require that it shall be so executed; and where the immediate advantage of the individual is directly promoted by the work, the argument is strengthened, and the equity of requiring him to bear much of the petty cost of doing what benefits him in a higher ratio than it benefits the State, while its neglect by a large number of individuals would injure the State more than it would injure individuals, may also be admitted. These arguments would apply to the cases of periodically clearing minor channels from deposits of silt, the prevention or speedy repair of petty injuries to earth works by cattle, and such like; but the case is far different when extensive injuries to tank bunds or channel banks involving expensive operations, and some amount of skilled labor or superintendence are concerned.

18. The Board do not consider that in such cases any relief as to expense can be derived from "customary labor," although they would require that the localities immediately concerned should furnish all available assistance for sufficient remuneration.

19. If then it be desired to transfer the responsibility for such work to the villagers, as a permanent arrangement, full compensation must be given in the shape of a remission of taxation equal to the cost of the work thus transferred, and remuneration must be provided for responsible superintendence involving liability to penalties for neglect of duty. It is open to much question whether such an arrangement would be a politic and economical one for Government.

20. The conclusion then at which the Board arrive is that to make the Committee's proposal reasonable and practicable, and to give it a fair chance of success, the accompanying remission of taxation must be so large as to render the measure economically inexpedient, and the Board consider that the utmost that can safely be done is to define and enforce by legislative enactment "customary labor" to its legitimate extent, and to facilitate the performance of more extensive works by village contracts at the market rate for labor, the liability of each individual to furnish a certain quantity of labor at this rate being also defined.

21. Such a measure they believe would be quite practicable, and by no means unacceptable to the people, who have often manifested their readiness to aid in carrying out such an arrangement, provided that means could be found for compelling all to share alike.

22. Measures are now in operation for transferring to individuals, on fairly remunerative terms, ruined irrigation works which it is not considered worth the while of Government to repair at the public cost. The Board's proposal in the former part of these Proceedings would still further relieve Government. The suggestion contained in the foregoing paragraph would,

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in the Board's opinion, go far to complete what is desirable in the matter, on considerations of sound policy and real economy. There is nothing in it that is incompatible with the commutation of "customary labor" for a money payment, or with the levy of a Maramut cess to supplement customary labor, if accurately assessed in conjunction with the revision of the land assessment.

No. 294. ORDER THEREON, 19th August 1864, No. 1,506.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) C. G. MASTER,

Deputy Secretary to Government.

where found that the private interest of the Ryots had not been a sufficiently powerful motive to ensure the necessary attention to the works of irrigation on which private rents as well as public revenue were dependant. The system of Dusbundum has also very generally broken down in actual practice.

14. The fact that it is proposed to take powers for compelling the necessary attention does not deprive this consideration of all weight, when it is perceived that the constant exercise of those powers to the fullest extent would be probably no less necessary than difficult. Some system of responsible superintendence must be organized if the public revenue is to be maintained. It will not do merely to punish for default as evidenced by loss of revenue and proved on subsequent inquiry. In the interests of the people as well as of the State it would be necessary that the regular performance of the stated duty be strictly enforced, for maintenance is far more economical than restoration. But to secure this result will add to the cost of the system, and this consideration leads to that of the amount of remission which will probably be necessary to attain success.

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21. Such a measure they believe would be quite practicable, and by no means unacceptable to the people, who have often manifested their readiness to aid in carrying out such an arrangement, provided that means could be found for compelling all to share alike.

I have the honor to be,
Sir,
Your most obedient servant,

L. Johnston
Secretary.

with files of replies and Statement.

J. W. Alden Dec 27/88
1 December 2882.
R. B. S. June - /85 - Nov 49

Rev. 1864. Department.
 Secy of Govt for Oregon

No. 4,653.

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BOOKS