M.R.O. 14—18,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1814 Press Mfs.

1-2

Dated 1-10- 1869.

Not to be folded or roughly handled

Proceedings of the Madras Government; Revenue Department,
1st October 1864.

No. 1. Read the following Proceedings of the Board of Revenue, dated 5th February 1864.

Read Proceedings of the Madras Government, Revenue Department, dated 16th January 1864, No. 99:—

1. The Board understand, from paragraph 4 of the Secretary of State's Despatch, that the annual option of taking or refusing water is in future to be given to *all* Ryots in every District where the system of a separate water cess is in force, except in cases where they have individually bound themselves to certain specific conditions, in order to induce the Government to supply irrigation to a particular tract hitherto devoid of it.

2. The existing rule in the Godavery and Kistna Districts, which requires that the water cess shall invariably be paid so long as water is available, in every case in which land has been permanently supplied with irrigation for a wet crop and classed as Nunjah, must be abandoned under the present ruling, and the option in question, must, it would seem, be allowed to every Ryot in the two *Deltas;* for, the Board have no reason to suppose that any special terms have in any case been insisted on as the conditions on which alone a desired channel would be dug, the rules hitherto in force rendering any such condition superfluous.

3. The Board think it right to bring this point to the notice of Government, and to await further orders before they issue instructions to the Collectors for the introduction of the new rule.

4. As the rules must be revised throughout with reference to the order of Government on the "Mamul Nunjah" question, it will probably be deemed best to defer the introduction of the Secretary of State's rule until this general revision, in which it could be embodied, has been made.

No. 2. ORDER THEREON, 1st October 1864, No. 1,814.

Land Revenue.

1. The instructions of the Secretary of State are that Ryots are to have the option of taking or declining water, unless they have bound themselves to take it for a term of years, the Government, on its part, having power to refuse to supply a tract of land with water unless the holders agree to take it in such numbers and for such a period as will make it worth the while of Government to incur the outlay necessary to provide the irrigation.

2. As regards new works, there will be no difficulty in carrying out the rule. Before the work is undertaken such agreements as may in each case be necessary must be taken from the holders of land, for whose benefit the work is designed.

3. The application of the rule to lands already irrigated at considerable outlay of public money must be considered *prospective* only. As regards lands which have been fitted for irrigation by the owners and have actually been irrigated for at least one season it may fairly be held that such preparation and acceptance of water, imply acquiescence in the usage of the country which has not required any formal agreement. As regards lands which have not been so prepared or irrigated, and in cases where irrigation has been forced on the Ryots against their expressed wishes, the option must be allowed, and agreements taken from them wherever this measure may appear necessary and equitable.

4. The Government do not anticipate that the Ryots will generally refuse water on the easy terms of 3 Rupees per acre. The refusals will, they apprehend, be limited to individual cases and be few, except where irrigation has been forced on the people under circumstances which render its value small.

5. The same rule must of course apply equally to the holders of lands in Zemindaries, until the Zemindars come to terms with the Government and collect the cess.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Board of Revenue.
„ the Public Works Department.
„ the Director of Revenue Settlement.

Exd. S. T. Augustin.

No 7811 1st Oct 1864

The instructions of the Secretary of State are that Ryots are to have the option of taking or declining water - unless they have bound themselves to take it for a term of years - the Govt. merely have power to supply a tract of land with water unless the holders of land agree to take it in such quantities & for such a period as should make it worth the while for Govt to incur the

outlay necessary to provide the irrigation -

As regards new works there will be less difficulty in carrying out the rule - Before the work is undertaken such agreements as may in each case be necessary must be taken from the holders of land for whose benefit the work is designed

The application of the rule to lands already irrigated at considerable outlay of public money is however not to free from difficulties - the rights and masters of the irrigation - and may continue - though the advantages of irrigation are to pay the charge for water so moderate, that the danger of them combining to refuse to take water is not, I think, very great -

By the immemorial usage of the country, the engagements to take water are never been required - it has always been accepted that the first had so much

outlay necessary to provide the irrigation -

As regards new works there will be no difficulty in carrying out the rule - Before the work is undertaken such agreements as may in each case be necessary must be taken from the holders of land for whose benefit the work is designed

The application of the rule to lands already irrigated at considerable outlay of public money is known but

to free from debt outlay - the rights and masters of the irrigation - and may continue - though the advantages of irrigation are to pay the charge for water to moderate, that the danger of them combining to defeat to take water is not, I think, very great -

By the immemorial usage of the country, the engagements to take water have ever been complied - it has always been accepted that the fort had so much

Perfectly it that must be agreed that land in fallow should return our present system and should pay a simple agreement that a consolidated agreement without altogether to dispense the land from the water rate

of a landlord's pro-
that it could im-
-pose land charge
for the improvement,
the general willing-
-ness of the ryots to
take up those land
& water being first
ascertained, &
their acceptance
of the water being
sufficient to render
their lands benefit
for ever.

In the Anicut
Districts however both
Land & Beyond the
Anicut considered
all land benefit
which was supplied
with permanent
means of irrigation.

It seems to me

that the Act of
States' rule must
be considered pro-
-spective only - so far
as regards lands
which have been
fitted for irrigation
by the rivers and
have actually been
irrigated for at
least one season
It may fairly
be held, I think,
that such prepa
-ration and accep
-tance of water, im
-ply acquiescence
in the usage of the
Country + As regards
lands which have
not been so prepared
or irrigated - or in

+ which has not
expressed any formal
engagement -

those cases where the irrigation has been forced on the Ryots against their expressed wishes, the options must be allowed, and agreements taken from them wherever they may appear necessary & equitable - p. 6 & 20

The Govt. should then only grant the right of supplying water on the Ryots applying for it.

The Govt. will fix the water rates on the Ryots lands, & collect the same - The Ryots will, & ought, to be limited to individual cases, and be discouraged

where irrigation has been forced on the people under circumstances which tends to raise rents -

The same rule must of course apply equally to the holders of lands in Zemindaries - until the Zemindars come to terms with the Govt. & collect the rents -

The Govt. of the States does not look upon this only as water-rents distinct from the principle of taking agreements had better be followed in fixing

16 Copies to be printed for use of Board
21 — for use of Board
13 — for use of Revenue Secretary

I do think we had better leave matters on their existing state
W

every where - when
new works are
planned.

I. D. S.

~~Hotel Change~~
~~1st Oct 1855~~

Copy in a Letter to England
21st November No 180/65
Land Revs

Revenue 1864 Sept.
Pro: of Govt for October.

No 1864.

Pro: of the Madras Govt
21st October 1864.

G.O. No. 192-193
16-1-64

Passing orders on
Bd's Proceedings relative to allowing Ryots
the option of taking or
refusing water from
the Madras Irrigation
Company.

19-4-64 No 192.