

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1844	Press <u>Mis.</u>
66.67	
Dated	8 — 10 . 1864 .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
31h October 1864.*

No. 66. Read the following Proceedings of the Board of Revenue, dated 28th September 1864, No. 6,327.

Read the following Proceedings of the Madras Government, dated 18th August 1864, No. 1,496 Revenue Department :—

ABSTRACT.—Desiring the Board to review the whole subject connected with their Proceedings of the 13th and 23rd July 1864, in which the Settlement of the Madras District has been to a considerable extent reversed on an essential point, and to allow no deviation from it except on satisfactory proof in the case of each village.

1. The Government remark that at the recommendation of Mr. Fane, Collector of Madras, the Board of Revenue have on an essential point reversed, to a considerable extent, the settlement made by Messrs. Banbury and Hutchins for the past year.

2. The Government refer to the orders of the Board, authorizing Mr. Fane to revise the Settlement in the case of Nunjah waste lands, the holders of which were required by Mr. Banbury to pay the assessment, either wholly or in part, though the land (as alleged by Mr. Fane) had been left waste for want of water in the tank or other Government source of supply.

3. Mr. Fane, in his first letter dated 8th July 1864, No. 307, reported that he had taken upon himself to remit the charge made by Mr. Banbury for certain waste Nunjah lands, considering that Mr. Banbury had charged the lands on a principle opposed to the spirit of the orders passed by the Board and the Government "on the subject of collections on waste lands." He explained on this point that the owners of the waste land had been charged with assessment on the ground "that water could have been obtained if the Ryots had been more energetic," and not on the ground that water was really available.

4. The Board requested Mr. Fane to give further information on the subject, and at the same time informed him that he ought not to have overruled the orders passed by Mr. Banbury without, in the first instance, applying to the Board for their sanction.

5. Mr. Fane, in his second letter dated 19th July 1864, No. 329, explained that he had not cancelled Mr. Banbury's orders, but had only directed the Tahsildars to refrain from collecting the assessment pending further orders.

6. He also submitted Mr. Banbury's Note Book, to satisfy the Board that in various instances, Mr. Banbury had charged the owners of waste wet lands with assessment notwithstanding that, as stated in the Note Book, there was a deficiency of water. In some cases the whole assessment had been charged, but in others part of the assessment was charged, "the remissions generally being only partial, and upon no fixed percentage." Mr. Fane objected, with regard to the latter point, that the rules and orders applicable to remissions for waste do not provide for mere per centage remissions when there is no water. He concluded by requesting leave "to remit in toto the charges on Nunjah waste throughout the District."

7. The Board did not sanction a remission in the general way proposed by Mr. Fane. Nor did they sanction any relaxation of the rule by which the holders of wet lands are required, when water is available, to pay the assessment, whether the land be cultivated or not. The questions raised by Mr. Fane were, first, whether Mr. Banbury had not charged the holders of waste wet lands with assessment when there was no water; and secondly, whether Mr. Banbury's plan of charging the holders of waste lands, when there was no water, with portions of the assessment was in accordance with rule or not. The latter point the Board disposed of at once, by stating that the Ryots "are entitled to remission to the full extent for waste resulting *bona fide* from "natural causes beyond their control." With regard to the former point, as Mr. Fane had shown by means of Mr. Banbury's Note Book, good cause for seeking permission to revise Mr. Banbury's settlement, the Board authorized him to revise when in any case he was able to satisfy himself, that a remission might, under the above rule, be fairly claimed.

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8. The Board will now forward a copy of these remarks to Messrs. Banbury and Hutchins that each Officer may, with reference to paragraph 4 of the Government Proceedings, explain on what principle he settled claims to remission when such claims were founded on an alleged want of water. Each will be so good as to quote the orders or rules under which he acted. The Note Book of each Officer will be sent to him for reference, with a copy of the Board's correspondence with Mr. Fane.

9. The Board wish to be informed why when in any case there was an admitted want of water a charge was still made; and secondly, why in some cases a part of the assessment was remitted and a part charged.

10. Mr. Banbury should explain how, in his opinion, the holders of the waste lands were liable to the payment of assessment on such grounds as those which he recorded in the case of Vullur (No. 91), viz., that the Ryots were "a quarrelsome set and doubtless negligent." He should state in what respect they were negligent, and how their disposition to quarrel could make them justly liable to pay the assessment on their waste lands when for such lands there was no water; and secondly, under what rules the holders of waste lands in the village of Mulliapoorum (case 167) were considered liable to pay the assessment on the ground that they might, if they pleased, have sunk wells.

11. The Board observe that the rules make the holders of wet lands liable to pay the assessment provided the Government sources of irrigation can supply water. The rules nowhere provide that the holders of such lands must provide means of irrigation at their own expense, if the Government sources fail.

12. He should also explain why remission was granted to all the claimants in a village, instead of each individual claim to remission being disposed of on its own merits. In any village the claim to remission (for wet land left waste) might in some cases be good, in other cases not. It is usual, therefore, and necessary if each case is to be fairly disposed of, that the grounds on which the claim is made should in each case be separately considered. If this principle is not adhered to, those who have good cause to show, and those who have none, are all treated alike; and one of the main objects which Government have in view in requiring that persons who have the means of cultivating their lands, but neglect to do so, should be required to pay the Government demand, is in a great measure defeated. On the other hand those who have good cause to show are made to pay a part when they can justly claim to be altogether exempted.

13. He should also explain on what principle the percentage was in each village calculated; for, as pointed out by Mr. Fane, the percentage remitted varies in different villages. The principle on which in some villages the holders of the waste were charged a fourth, in others a fifth and so on, cannot be gathered from the Note Book.

14. In the case of the Sub-division, Mr. Hutchins has not recorded in his Note Book his reasons for having granted or refused remission. It appears however that he followed the same course as Mr. Banbury, by charging when water was not available, and by granting percentage remissions. He should therefore explain under what sanction he adopted these two modes of proceeding.

15. The Government appear to wish that no deviation from the Settlement made by Messrs. Banbury and Hutchins should be allowed till those Officers have had an opportunity of explaining their proceedings. Mr. Fane will therefore continue to prosecute any inquiries he may have commenced since the receipt of the Board's Proceedings, dated 28th July 1864, No. 4,788, but will not make any actual alteration in the Settlement already made till he shall receive further instructions.

16. With reference to paragraph 3 of the Government Proceedings, the Board resolve to lay before Government a copy of their present Proceedings, explaining at length with what views they authorized Mr. Fane to make a partial revision of Mr. Banbury's Settlement. They hope this explanation will satisfy the Government as to the propriety of those orders, and will prove that the Board showed no backwardness to support Messrs. Banbury and Hutchins, when that support could be fairly expected.

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17. The following cases extracted from Mr. Banbury's Note Book show on what evidence the Board acted, when they authorized Mr. Fane to revise the settlement:—
"TRIVELLUR TALOOK.

- No. 43. *Magaral*.—Half Dittum Bunjer remitted. Not quite clear that they could not have cultivated all.
- " 94. *Sivanavayal*.—Tahsildar has seen and says water is deficient. There is however second crop cultivation and increase in the extent of culture. Half Dittum Bunjer remitted.
- " 103. *Kijavalakum*.—Half Dittum Punjer to be remitted, as they appear to have done what they could to a certain extent although the season was favorable; they plead that water was not enough for all.
- " 109. *Kunavalam*.—Inquiry shows that there is reason to believe the Ryots suffered from want of rain. They however cultivated some of the present waste last year; two-thirds remitted Dittum Bunjer.
- " 151. *Tirukanancheri*.—Remit half Dittum Bunjer as favor. Tungal not in good repair.
- " 110. *Aryapakum*.—Let off Poogady and half Dittum Bunjer as tank has been injured.
- " 114. *Karkanoor*.—Half Dittum Bunjer remitted. Tank said not to be in good order.
- " A. *Athoopakum*.—Could not cultivate, as the Tungal was filled (meaning apparently silted up), and they are industrious; two-thirds to be remitted.
- " 19. *Vanankupam*.—It was not a favorable year, but supply was sufficient to enable them to cultivate. I should say a portion; half remitted.
- " 116. *Pandoor*.—In this village there was tolerable supply, and now one and half month's water, but there is waste at a distance from the tank. Half is remitted.
- " 66. *Pootomanalingah*.—These people have large amount of Karamama Bunjer. Their tank has not received proper supply, and their present crop is bad. Half Dittum Bunjer remitted.
- " 146. *Keelanoor*.—Dittum Bunjer half remitted, the land distant and not capable of being watered.
- " 149. *Chizancheri*.—Mussulmen say there was no water, but seems doubtful. Excuse half Dittum Bunjer.
- " 119. *Allykudi*.—The tank has been breached, and the water flowing over the cultivation has destroyed K. 16-5-6, which must be remitted; it is covered with silt and stones. The rest of Dittum Bunjer to be brought to Jumrah."

"PONNERI TALOOK.

- " 9. *Kasmanoore*.—Dittum Bunjer, four months came to tank, will remit half increase.
- " 32. *Kallatty*.—No irrigation at all. Remit half; plenty rain, and their own laziness partly. Remit half Dittum Bunjer.
- " 68. *Perungaoor*.—Tank bad, supply not good, but there is a great deal of seed crop; two-thirds remitted.
- " 79. *Pittycopum*.—Let off half Dittum Bunjer. They should not retain so much. No tank but Tanguls.
- " 82. *Chinnaoblapurem*.—Poor and no proper tank. Last year they kept waste also. Remit two-thirds as they paid last year.
- " 91. *Wulloor*.—The Dittum Bunjer is very large. There has been a large item under this head for years. They have a river channel, but cultivate it appears some land one year leaving it waste the next. They cannot say they had not ample warning the waste would be charged. They are a quarrelsome set, and fight among themselves more than any Ryots I have ever seen; no doubt negligence has much to do with

NOTE.—On this case Mr. Fane, remarks in his letter, dated 19th July, "A portion of the waste is inundated annually by salt water, and is thereby rendered unfit for cultivation, and another portion was left waste for want of water, the village having but one small tank and a scanty supply from a river channel, and the freshes in the river having been deficient. The village generally is of bad soil, yet out of a holding of Rupees 8,456, the cultivation was Rupees 7,367."

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this land being waste; but as they have an increase in their whole cultivation, indulgence is shown them, and two-thirds of the Dittum Bunjer is remitted.
No. 149. *Oopoonelvooy*.—Ryots hard up, and land salt; half remitted."

"SYDAPETT TALOOK.

- No. 8. *Amingikaray*.—Not enough water, kept in waste seven years. Remit half.
" 11. *Arambakum*.—They have left waste since Fusly 1267, and say wells cannot be dug. Must go and see or send some one.
(Latter remarks.) Parthasarathy has seen, says bad supplv. But they have left waste many years, and this year's Beriz is same as last year though very much better monsoon. Razinamahs they will not give. Charged one-eighth, should repair tank
" 59. *Paravaloor*.—Last year less rain and less waste. Tank filled, but as increase in cultivation, remit half.
" 10. *Kovilambakum*.—Increase. Worked hard. Remit half.
" 152. *Poonamallee*.—Very large extent of waste they retain in their Puttahs year after year. Wells are easily sunk. They have Tangul and first rate land. Charge one eighth, remit rest.
" 167. *Mallimbakum*.—Actually less cultivation, and more waste this year than last. Although there was seven months water this year, and four only last. No reason but neglect. The lands are waste year after year. Charge one-fifth. Wells could be easily sunk.
" 172. *Kajymannywakum*.—Good season. Far better than last. Still the same amount of waste. No reason, but neglect for this. Serishtadar has seen and some portions might have been tilled. Charge one-quarter.
" 177. *Katpakum*.—Waste since 1269. The supply bad, but it appears they could have cultivated some. Tahsildar and Deputy Tahsildar both say that portions could have been cultivated. Should remit three-quarters, and charge one-quarter.
" 202. *Munankutlay*.—Large increase, but could have cultivated more as Tahsildar says. Charge one-quarter.
" 204. *Kavanoor*.—Boojungah Row has seen this village and says that there was no fault. They can have this year, but next year charge all."

No. 67. ORDER THEREON, 8th October 1864, No. 1,844.

Land Revenue.

Ordered to lie over.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

Exd. S. T. Augustin.

"TRIVELLUR TALUK.

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" 116. *Pandoor*.—In this village there was tolerable supply, and now one and half month's water, but there is waste at a distance from the tank. Half is remitted.
" 66. *Pootoomanalingah*.—These people have large amount of Karamama Bunjer. Their tank has not received proper supply, and their present crop is bad. Half Dittum Bunjer remitted.
" 146. *Kreclanoor*.—Dittum Bunjer half remitted, the land distant and not capable of being watered.
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„ 8. *Amingikaray*.—Not enough water, kept in waste seven years. Remit half.

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(*Later remarks.*) Parthasarathy has seen, says bad supply. But they have left waste many years, and this year's Beriz is same as last year though very much better monsoon. Razinamahs they will not give. Charged one-eighth, should repair tank.

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Mr. Fane's note.

"No water at all."

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Mr. Fane's note.

"Serishtadar saw village.

No water in tank for six years."

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(A true Extract.)

L. K. K. K.

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to E. G. R. Fane, Esq., Collector of Madras.

„ G. Banbury, Esq., Acting Collector of North Arcot, with Takrar Book.

„ P. P. Hutchins, Esq., Acting Registrar High Court, with Note Book.

No. 18 Aug 1/64 712275

PROCEEDINGS OF THE BOARD OF REVENUE.

No. 2570

Department

Dated 28th September 1864.

No. 6327.

Explaining the grounds on which authority was given to revise the settlement of the Madras District made by Messrs Banbury and Hutchins, and calling upon those two Officers for certain explanation regarding the charge of assessment for lands left waste for want of water.

Exd. J. Wright.

Received 1864
For the Secretary to Government

Pro. Board of Revenue
12 Oct 1/64 c. no. 2589

Received 1864

12 Oct 1/64

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