

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1341	Press
		<u>Mis.</u>
	33-357	
Dated	16-6-18	65.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
16th June 1865.

No. 353. Read the following Proceedings of the Board of Revenue, dated 26th May 1865:—

Read the following Order of Government, dated 11th May 1865, No. 994.

1. Resolved that the foregoing Proceedings be sent to Mr. Fane, the Collector of Madras, and that Mr. Fane be instructed to carry out the orders conveyed in paragraph 9, by levying half the charge made by Messrs. Banbury and Hutchins on account of Nunjuh waste.

2. With reference to paragraph 10, Mr. Fane should bear in mind the orders of Government in future settlements, and as regards the settlement of the present year, which the Board believe has now been brought to a close, he will report specially how he has dealt with the Nunjuh waste. Mr. Fane will also take care that the Standing Orders on the subject of irrigated waste are made as widely known as possible. All persons should fully understand that if they retain waste for which irrigation is available, full assessment for the same will be invariably charged.

3. With regard to paragraph 4, the Board wish to explain that the authority which they gave the Collector to allow remissions was expressly limited to those cases in which he could satisfy himself "that the waste was the result of an insufficient supply in the tank." (Board's Proceedings 23th July 1864, No. 4,788, paragraph 1.) They guarded their orders from any misconception on that point, though they did not require the Collector to report on each case in which he might desire to remit the charge before the remission was actually granted. They did not take this step as Mr. Fane is a Revenue Officer of long standing, and it is not usual for the Board to withhold from the heads of Districts the power to carry out in detail the Board's instructions. In the present case, Mr. Fane believed that, wide as his remissions were, the people had a just claim to them, and in the usual course he would have explained, when submitting his Settlement Report, on what grounds he had come to that conclusion.

4. With regard to paragraph 5, the Board desire to remark that, in paragraph 33 of their Proceedings, they expressly stated at what conclusions they had arrived. Thus in paragraph 33, "the Board are decidedly of opinion that the people who had retained the waste in their puttahs had no water, and, therefore, had not the means of cultivating it (admitting of course casual exceptions)," the grounds on which they came to this conclusion were also fully set forth in their Proceedings. The Board regret that these Proceedings were considered too long and, in parts, irrelevant, but having been called upon "to review the whole subject," they deemed incumbent on them to discuss the facts and principles on which Messrs. Banbury and Hutchins had acted, as explained in their reports. In doing this it was necessary for them to refer to and to explain the special reasons which had led the Mirassidars of the Madras District to occupy more land than they could cultivate, Mr. Banbury having laid great stress on the people holding so much waste year after year, and having made this fact a ground for assuming that the land was left waste through "neglect" (that is, that the people had water but had neglected to use it). They also pointed out at some length that Mr. Banbury's immediate predecessors, Messrs. Cunliffe and Ellis, had each maintained that for some years past (from the time prices began to rise) the people had shewn themselves ready and eager to cultivate every acre of land for which water could be supplied. This point, as it regards Mr. Banbury's judgment in the case, was, in the Board's opinion, an important one, and was therefore brought prominently to notice.

5. In paragraph 6, the remarks made by Government imply that the Board hold the principle that where there is "no crop there shall be no assessment." But this is quite a mistake. The Board have not, they believe, any where laid down such an unqualified rule. In their Circular Order, dated 19th June 1863, they referred only to irrigated land in which, owing to circumstances beyond the Ryot's control, there could be no crop. They particularly dwelt on this point in paragraphs 27, 28, and 29 of their Proceedings. As to the *onus probandi* resting on the Ryots,

Refer to the case by Mr. Handley

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the Board did not think it necessary to discuss that question, for under the Ryotwar system the Collector has the means of knowing from the village accounts whether the lands under a tank have been cultivated to the full extent that the water supply will admit of, and it is his duty to see that the claims of the Ryots to remission are considered on their real merits. The Ryots, when they claim remission on the ground that they have been unable to cultivate from want of water, can only refer to the evidence of the Government servants, and to the official accounts in support of their statement.

6. With regard to paragraph 8, the Board wish to explain that the course they recommended was based on the fact that the people had cultivated a greater extent of irrigated land in Fusly 1273 (the year in question) than in any previous year—(vide the Statement annexed to their Proceedings). They looked on this fact as good presumptive proof that the people had not as a rule neglected to use the water really available, or to take advantage of the favorable season, and on that ground the Board concluded that if any of the people could be fairly charged with the waste, it could only be in few and exceptional cases, the cases referred to in paragraph 33.

7. The Board trust that these remarks in explanation of their Proceedings will not be considered out of place, for the case was one in which the Board were specially anxious to shew the Government that they had come to a right conclusion, believing as they did that Mr. Banbury had disregarded the principles on which he was bound to make his settlement, and that, in consequence, the Ryots of the Madras District had been subjected to a heavy charge for uncultivated land, when under the repeated orders of the Government and the Board they could have fairly claimed full remission for it.

No. 354.

ORDER THEREON, 16th June 1865, No. 1341.

Land Revenue.

The Government do not doubt that the Board based their decision in this matter on what they considered to be good grounds, but they do not share the Board's opinion of the sufficiency of those grounds, and they do not think it necessary to prolong the discussion.

(True Extract.)

(Signed) W. HUDLESTON,

Acting Secretary to Government.

To the Board of Revenue.

Ed. S. T. Augustin.

12 June 65. I would say a few words to the effect suggested by Mr Hudleston

