M.R.O. 14—13,000—27-6-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1811 Press Mis.

1923

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Government (1865) of Madras.

REVENUE.

Recd. } 1865. *Enclosures*

Regd. *Spare copies*

G.O., No. 1871, 11th August 1865.

AUGUST.

192—193.

Irrigation for Inam Lands.

Nunjah land expressed in title-deeds not to be charged for irrigation; but punjah converted into nunjah to be charged the usual tirwajasti.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

No. 192. Read—the following Proceedings of the Board of Revenue, No. 4270, dated 22nd July 1365:—

Read—again the following papers:—

Proceedings of the Board of Revenue, dated 7th September 1864, No. 5836.

Read—again letters from the Acting Inam Commissioner, dated 20th May 1864, and 4th June 1863, recorded in the Board's Proceedings, dated 24th August 1864, No. 5492, and 6th August 1863, No. 4921.

The Board observe that the Acting Inam Commissioner in the first letter recorded above lays it down as a rule * that the settlement made by the Inam Department is final as regards the title of the inamd to the extent of land confirmed in the title-deed, though it is not final as regar any excess that the new survey may bring to light. In his former letter, also record above, Mr. Blair led the Board to suppose that the extent entered in title-dee was merely the extent "*claimed*" by the inamdar, and was not a final settlement as the extent. In the case under discussion in this letter, an agraharamdar of Nellore district was a holder of a title-deed for 621 acres of dry land, 53 acres of w land, and 62 acres of garden land; and if this title-deed is a final settlement, regards the extent of land entered in it, it is clear that the Government authorit cannot demand any extra charge for water from the agraharamdar unless he irriga more than 53 acres. It appears however that at present only 17 acres irrigated; that in 1801–2 only 5 ac were irrigated, and that in the accou during a period of sixty years, there two entries of wet cultivation in excess of 30 † acres.

* Paragraph 8.

† Paragraph 2 of Mr. Blair's letter.

In the same letter ‡ Mr. Blair states that "the title-deed simply declares extent as classed and claimed at time of registration d adopted by ent for the p poses of va form them i departm to tion." The Board resolve to request Mr. Blair to in here referred to; whether the original registration of the inam in ds the registration by the present Inam Department. Mr. Blair will he state how the extent of land entered in the title-deeds, under each te dry, wet and garden was arrived at by his department, and whet f settlement made to be final as regards the extent of land entered head, and to be open to revision only if the inamdar is found to a greater quantity of land than the total extent entered under all t

‡ Paragraph 4.

(A true Exract.)

(Signed) R. A. I S

To J. H. Blair, Esq., Acting Inam Commissioner.

Proceedings of the Board of Revenue, dated 12th October 1864, No. 6738.

Read—the following letter from W. T. BLAIR, Esq., Acting Inam Commissioner, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Coimbatore, 17th September 1864, No. 26:—

In reply to the Board's Proceedings of the 7th instant, No. 5836, I have the honour to submit the following explanations on the different points noticed by the Board.

2. First, as to the apparent contradiction concerning the finality of the inam settlement as regards the extent confirmed in the title-deeds, with reference to certain passages in my letters of the 20th May 1864, No. 14 and 4th June 1863, No. 17. These two letters mainly related to two distinct points; the former has reference to the extent of minor inams, and the latter, of whole village inams. Inams of the former description are liable to a charge hereafter under the rules laid down by the Secretary of State, when the survey discloses any excess in them over and above what the rules allow. Those of the latter description are exempt from such liability in future, so long as the known boundaries of the villages are not overstepped. When in paragraph 5 of my letter of the 4th June 1863, I said, with reference to the use of the word "claimed" in the title-deeds that the area remained an open question, the remark was intended to apply only to minor inams, and the meaning I wished to convey was that, in the case of such inams, there remained the contingency at a future date of their being charged for any excess which might be detected in them by the survey, but *not* that there was any doubt as to the title of the inamdar to the extent entered in the title-deeds. The following sentence in that paragraph shows clearly that I did not intend the remark to apply to whole inam villages, the holders of which are entitled, as since authoritatively declared * by Government, to the entire extent within the usual boundaries, whether it is more, equal to, or less than, their reputed extent, which only, as a general rule, is registered in the title-deed.

* Paragraph 21, 8th April 1864, No. 597.

3. Secondly, with reference to the other points on which information is required, I beg to state that in the settlement of the Nellore district, the extent of the whole inam villages, as well as of minor inams, has been taken from the accounts of faslis 1212 to 1217, and the same has been given in the title-deeds, with the classification particulars of wet, dry and garden, from the same source. In the case of the inam village in question, however, circumstances rendered a deviation from the usual course necessary. The area of this village is given at 163 acres in the account of fasli 1212, while the extent within the boundaries confirmed by the Revenue Settlement Department was estimated by the villagers and karnams to be not less than 736 acres, exclusive of poramboke. There being no doubt whatever as to the boundaries of the village, this department adopted the latter extent for registry with the corresponding particulars of classification as given by the karnam and inamdar before the Deputy Collector.

4. As regards the question how far the particularization of a certain extent of land as "wet" in the title-deed should be allowed to affect the charge of a water-cess, I am of opinion that in the case of minor or detached inams, such a classification in the title-deed conveys an implied right to irrigate the extent given in the title-deed free of water charge, though it would certainly be liable to such a cess should the irrigation have been improved at the sole cost of Government. As regards whole inam villages in the district of Nellore generally, each has its own private works of irrigation. Sometimes, by prescription, a certain share of water from a Government tank is allowed often in consideration of a share of the cost of the repair of the irrigation work being contributed by the inamdar. The case of the agraharam under notice is however apparently an exceptional one, the wet cultivation being described in the Deputy Collector's register, as dependent on a private as well as on a Sircar tank, the accounts, moreover, not giving the extent irrigated under each. The charge of a water-rate under such circumstances becomes a difficult question, such as cannot be solved under any definite rule, but must be governed by prescription, and the merits of the individual case.

5. It may not be out of place here to remark that the valuation of this, as well as of whole inam villages generally, is made with reference to the inamdar's average revenues of past years, and the prospects of future improvement, and is understood to be irrespective of any demand the Government may have upon the village for new or improved irrigation supplied at the cost of the State.

The Board infer from the concluding part of paragraph 4 of Mr. Blair's letter that in the shrotriem of Ulavapala, the right of the inamdars to irrigation from the Government tank for the full extent of land entered as wet in their title-deed, viz., 53-12, may still be treated as an open question.

2. This extent was entered in the title-deed as the "total Layek wet land claimed;" but in this case the survey accounts do not show that the village contained so much as acres 53-12 classed as nunjah, nor does it appear from any subsequent account that a greater extent than 37½ acres was ever cultivated as "wet." It seems therefore that the karnams and inamdar, on whose statement the village was described as containing acres 53-12, had no right to make that statement. They had no accounts to prove that their statement was correct. The Board understand the principle on which any excess of total area is allowed when there is no doubt as to the boundaries, but they do not perceive why the statements of the inamdar as to the extent of the nunjah classed land should have been allowed, if he had no survey accounts in support thereof.

3. The Board observe that the question raised in this case is not whether the Government may claim to make some addition to the old nunjah rates on the ground that the usual source of irrigation has been improved, but whether land described as "nunjah" in the title-deed can be fairly classed as such.

4. The Government have ruled that "all inam land which can be shown to have been granted as nunjah is entitled to the gratuitous supply of water for a single crop;" but this order would not apply to land which had been merely *claimed* as nunjah by the inamdars at the time of registration by the inam department.

5. The Board wish to know from Mr. Blair whether they have correctly understood paragraph 4 of his letter before they issue instructions to the Collector authorizing him to inquire of the inamdar by what right he claims to have so much as acres 53 in his village classed as nunjah, and to charge him tirvajasti for any land that may now be cultivated as wet from the Government tank, but was not classed as nunjah in his original grant. The Board were of opinion, before they received Mr. Blair's letter, that the right of an inamdar under his new title-deed could not be questioned as to the extent of any class of land entered in the deed, for the addition, a quit-rent is fixed on the given assets, and if, subsequently, an inam is finally portion of the nunjah land entered in his title-deed should be open to all the Board do not understand how the amount of quit-rent can be adjusted.

6. In this case no question is raised as to the inamdar's right to irrigation from the Government tank in the shrotriem of included in the boundaries of his village. The only question is whether the land included in the inam has not been improperly classed as "wet land" instead of a dry assessed land.

7. Mr. Dykes has reported that the shrotriem or private inam register showing Ulavapala is a small tank fit [illegible] at the best, it could give only [illegible]

8. The Board would be [illegible] the particulars of the settlement.

(Signed) R. A. DALYELL,
Sub-Secretary.

To W. T. Blair, Esq., Act[illegible] Commissioner.

Proceedings of the Board of Revenue, dated 19th January 1865, No. 315.

Read again letter from the Inam Commissioner, dated 17th September 1864, No. 26, recorded in the Board's Proceedings, dated 12th October 1864, No. 6738.

Read also the following letters:—

From W. T. BLAIR, Esq, Officiating Inam Commissioner, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Coimbatore, 22nd November 1864, No. 30.

I have the honour to forward a transcript of the register of the Ulavapala shrotriem as requested in paragraph 8 of the Board's Proceedings, dated 12th October 1864, No. 6738.

2. As the Board are already aware, the wet cultivation of this village is shown by the accounts of past years to have varied from acres 5 to acres 37½, no tirvajasti having been levied under any circumstances. The Deputy Collector, proceeding under the general impression that the water-supply of inam villages was regulated by usage, and not limited to a particular acreage, adopted the extent stated by the villagers. Not having the means of making a survey of the village, the only course left open to him was to accept the statement of the inamdars corroborated by the village officers.

3. The extent registered being thus what was claimed by the inamdars, their right to irrigate the full extent registered as wet may still be treated as an open question, though they are, in my opinion, entitled to the average extent of wet cultivation. There is nothing to fix the extent of irrigation to which the inamdars are entitled, there being no grant for the inam, and the wet cultivation in practice having varied with the circumstances of each year.

4. The value of the village was taken on the average collections, and not on the acreage given in the title-deed, so that in the event of the Board's deciding that the inamdars are entitled to the average extent of wet cultivation, or to a certain proportion of water-supply, no revision of the settlement will be necessary. But should it be decided that the agraharamdars are entitled only to the extent of wet registered in fasli 1212, I think justice would require a revision of the valuation, and a corresponding reduction of quit-rent, and the title-deed will have to be amended accordingly.

Enclosure No. 1.

Abstract.—Extract from the register of shrotriem village of Ulavapala.

From J. W. B. DYKES, Esq., Collector of Nellore, to W. HUDLESTON. Esq., Secretary to the Board of Revenue, dated 7th September 1864, No. 296.

I have the honour to acknowledge the Board's endorsement of the 12th ultimo, calling for, report on petitions * Nos. 2477, 2497, 2498, 2499, 2501, 2503, 2552 and 2612 of 1864, presented to them by the Kandrigadars of Iduru and Koduru, complaining of the excess tirwa imposed upon their Kandrigas, and praying for remission of the same.

* Returned herewith.

2. In reply, I have the honour to state that the petitioners have been charged by me in accordance to the Proceedings of Government, No., 193A (communicated in the Board's Proceedings of the 6th February last, No. 855), and at the rate of Rs. 3 per acre, and I beg to submit, for the Board's information, a statement showing the sanctioned details of the Kandrigas in question as exhibited in the statements appended to my letter to the Board of the 21st October 1863, No 362, and recorded in their Proceedings of the 14th January 1864, No. 232, the extent under wet cultivation in fasli 1273, and the assessment at the rate of Rs. 3 per acre charged upon the land cultivated in excess of the original jari of fasli 1212.

3. The petitioners refer to what the Inam Commission *told them*. But I presume they are confounding title with water, and have supposed that the enhanced quit-rent they agreed to pay to secure a better title to the land was also to cover frauds in respect to water of which the Inam Commission had no cognizance as [illegible]

4. Lying in the delta under channels obviously fed from the river, irrigation from what can be fairly considered "private sources" is somewhat difficult, but will of course be recognized, and if the petitioners will specify the works they refer to, their claims shall at once have my attention.

Enclosure No. 1.

Statement showing the water-cess levied upon certain Kandrigas for fasli 1273.

Names of villages.	Description of land.	Jari or extent as given in fasli 1212. In original terms.	Jari or extent as given in fasli 1212. In acres.	As per statement sent by the Tahsildar of the wet land cultivated in fasli 1273. As per measurement.	Deduct the extent cultivated from private sources.	Balance.	Extent cultivated in excess of the jari of fasli 1212.	Assessment on the excess cultivation at the rate of Rs. 3 per acre.
1	2	3	4	5	6	7	8	9
	Names of Kandrigadars as given in the petitions.	C. V. P.	A. C.	A. C.	A. C.	A. C.	A. C.	Rs. A. P.
Kodura	Chakkiela Venkata Sabbayya	Wet	17 24	40 72	6 69	40 72	23 48	70 7 4
	Machavolu Venkatesam and others	Garden	.. ..	6 69	.. ..	29 44		
						1 62		
	Paturu Suru Bhotlu	Wet	4 11 0	47 31	.. ..	30 96	15 72	47 2 8
	Do. Lakshmayya and others	Garden	15 24	29 44	.. ..	60 93		
				1 62				
		Total	5 0 0	80 96	.. ..	60 93	40 24	120 11 3
		Wet	4 11 0	55 86	.. ..	55 86	28 41	85 4 0
		Garden	.. ..	40 68	.. ..	40 68		
				2 38		2 38		
	Muchavolu Venkatasayya	Wet	14 65	43 6	.. ..	43 6	34 87	104 9 5
	Do. Venkata Subbayya and others	Garden	.. ..	42 33	.. ..	42 33		
				6 82		6 82		
	Yegnamurti Venkanna and Pedupagiri Rangayya	Wet	13 28	48 15	.. ..	48 15	43 15	130 8 7
		Garden	.. ..	64 25	.. ..	64 25		
				4 78		4 78		
	Yegnamurti Kuppanna and others	Wet	15 62	69 3	.. ..	69 3	186 13	558 6 8
		Garden	.. ..	258 35	6 69	258 35		
				26 2		19 43		
		Total	.. ..	47 17	.. ..	47 17		
		Wet	91 65	284 37	6 69	277 78	28 3	84 1 4
		Garden	.. ..	43 61	.. ..	43 61		
				3 66		3 66		
	Nakka Lakshminarsu	Wet	19 14	47 17	.. ..	47 17		
	Do. Krishnayya	Garden	.. ..					
	Do. Subbarayadu and							
	Do. Savitramma							
		Total	.. ..	47 17	.. ..	47 17		
		Wet	110 79	301 86	6 69	301 86	214 16	642 7 7
		Garden	.. ..	29 68	.. ..	23 9		
				331 54	6 69	324 95		

Nellore, 8th September 1864.

(Signed) J. W. B. DYKES, Collector.

From the same Officer, dated Mungamuru, 6th October 1894, No. 324.

Petition No. 2977 of 1864, received with the Board's endorsement of 17th ultimo, having reference to petition No. 2499 of 1864, which was duly reported on in my letter of the 7th idem, No. 296, I have the honour to return it * herewith.

* No. 2977.

Enclosure No. 1.—Petition.

The above correspondence refers to a general question as to the right of an inamdar to a supply of water, free of charge, for such quantity of land as is entered in his title-deed as "wet," and to two special questions, first, as to the water-rate chargeable in the shrotriem village of Ulavapala, and second, as to the water-rate chargeable on certain inam tenures in the villages of Iduru and Koduru, in the Nellore district.

2. The Inam Commissioner points out that the inam village first quoted is exceptionally situated, and that the inam settlement of it was conducted in an exceptional manner. Under these circumstances, the Collector of Nellore will be requested to report what course he has taken with regard to this village with reference to the Board's Proceedings, dated 18th February 1864, No. 1074.

3. With reference to the other inam tenures, the Collector reports that on the inam lands of the Koduru village he has charged a water-rate at Rs. 3 per acre, amounting to Rs. 558–6–3 on 186 acres, 13 cents of land, as this quantity was cultivated in fasli 1213, in excess of the wet cultivation carried on in these inams in fasli 1212, and that in Iduru he has made a charge of Rs. 84–1–4 for 28 acres and 3 cents of similar excess cultivation. Mr. Dykes states that he has made these charges in accordance with the orders of Government, dated 3rd February 1864, No. 198A.

4. The Board however are unable to see that the order quoted justifies Mr. Dykes's proceedings. In his letter, dated 21st October 1863, No 362, recorded in the Board's Proceedings, dated 14th January 1864, Mr. Dykes proposed to charge on all inams, the cultivation of which had benefited by the Pennair anicut, a water-rate of Rs. 3 an acre on all wet cultivation in excess of the average nunjah acreage during the ten years between 1850 and 1860. The Government, however, did not sanction Mr. Dykes's proposals, and, while stating that the terms of *the grant* must govern the quantity of land for which an inamdar was entitled to water without charge, they called for further information regarding the data upon which the proposed water-rate of Rs. 3 per acre had been arrived at. Mr. Dykes has submitted his reasons for considering the rate † a fair one; but the orders of Government approving of it, or authorizing its being imposed, have not yet been received.

† Board's Proceedings, dated 14th May 1864, No. 2938.
Do. dated 9th June " " 3532.

5. Under these circumstances, the amount of the water-rate to be charged on the inams which have benefited by the Pennair anicut must still be considered an open question, and the demand against petitioners should be suspended pending the decision of the question.

6. The point, however, with the petitioners of the Koduru and Iduru villages specially raise, is the right of Government to make *any* charge for water, unless wet cultivation is undertaken in excess of the quantity of wet land entered in the new inam title-deed.

7. The Government have ruled, as stated above, that the tenor of the grant must decide the matter—alluding of course to the original grant. At the same time it must be borne in mind that, speaking generally, the new inam title-deeds have been framed as to the quantity of land on the old grants where available, or where not forthcoming on the best information obtainable by the officers of the Commission as to the tenor of the old grants.

8. The question then arises whether the Government would not now consider that the new inam title-deed ought to decide the quantity of nunjah land for which an inamdar is entitled to Government water without charge; for if this rule be not adopted freehold tenure would be deprived of many of its advantages. The special orders of Government will be solicited hereafter on this point. But before addressing Government upon the subject, the Board request the Inam Commissioner will favor them with any further remarks upon the general question which he may wish to offer. Mr. Blair will also be requested to inform the Board whether in every district the cases of whole inam villages have been disposed of by calculations based upon the inamdar's previous collections, and whether, in calculating the value of "the prospects of future improvement," the quantity of land entered in the title-deed as wet land has been taken into account as land entitled to water for one crop without charge. Also, whether in the cases of minor inam tenures such inquiries have been made by his department as to the classification of the land entered in the title-deeds as to render it certain that the inamdar is entitled to water without extra charge for the wet land so entered,

and whether similarly in the case of the enfranchisement of these minor tenures, the assets upon which the enfranchised quit-rent is calculated included a fixed quantity of wet land free from water-rate.

9. Mr. Dykes will be good enough to inform the inamdars of the villages to which special reference has been made, that their cases are under consideration, and will suspend all similar collections on account of water-rate until he receives the orders of Government. His attention will be drawn to paragraph 3 of the Inam Commissioner's letter, dated 17th September 1864, recorded above, in which Mr. Blair states that the classification of the land entered in the inam title-deeds has been taken from the accounts of faslis 1212 to 1217, and he will be requested to report whether there are any old grants in existence for the inam tenures of the Iduru and Koduru villages; what was the greatest quantity of wet land cultivated in each of those villages between faslis 1212 and 12[illegible], according to the old accounts; and what was the average annual quantity of similar cultivation during the fifteen years preceding the construction of the Pennair anicut.

(True Copies and Extract.)

(Signed) R. A. DALYELL,
Sub-Secretary.

To J. W. B. Dykes, Esq., Collector of Nellore,
with copy of Board's Proceedings,
dated 12th October 1864,
No. 6798, and a register.
„ W. T. Blair, Esq., Officiating Inam Commissioner.

Proceedings of the Board of Revenue, dated 27th April 1865, No. 2124.

Read the following letter from W. T. BLAIR, Esq., Officiating Inam Commissioner, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Coimbatore, 14th March 1865, No. 8:—

In acknowledging the Board's Proceedings, dated 19th January 1865, No. 315, I have the honour to make the following remarks on the subject therein discussed.

2. The investigation and settlement of inam tenures necessarily embraced an inquiry into, and a settlement of, the right of the parties to hold the inams as wet or dry, and, in determining both questions this department proceeded upon the principle of a right being conferred by actual wet enjoyment. Where sunnuds existed, the classification therein of the inamdars by us of course held valid, but was allowed to be modified in favour of any account of fifty subsequent actual enjoyment, when the same was supported by the district. The inamdars date, or by the standard accounts usually adopted in the district. The investigation hereafter into the classification of will be little prepared for a separate investigation the inam tenure, and I submit that, as lands as a question apart from their title to by this department ought to be the guide observed by the Board, the title-deeds issued as wet or dry, as well as in treating those of the district authorities in treating inams

3. As regards the right to water land as inam or otherwise.
wet during the settlement, I am not prepared by the classification of inam land as speaking, entitled to more than their acared to state, that the inamdars are, strictly difficult to decide what that accustomed customed supply of irrigation, but it is very which inam lands have been heretofore supply is. Under the many restrictions to them water after all the Government l subject, it was not unusual only to allow found that the portion of wet inam lands nds were irrigated. Hence it will often be as compared with the Government lands annually brought under cultivation was small this past state of things as a basis for but it would be manifestly unfair to adopt irrigation under the improved title now defining the rights of inamdars in respect to it appears to me, is to consider wet inam conferred on them. The correct principle, as as wet Sircar lands under the same sour lands entitled to the same supply of water gation, however, be improved at the cos ce of irrigation. Should the means of irri- levying an additional assessment on wet t of the State, there could be no objection to nam lands benefiting by such improvement.

4. The foregoing remarks are intended to apply to the case of minor inams. With regard to entire villages, the average collections of inamdars for the last five or ten years, or, where the collections were not trustworthy, the assessment of the cultivated

area calculated at the rates in adjoining Ayen villages formed the assets upon which their quit-rent was calculated. To these assets, a discretionary addition was also made on account of waste. Most of the whole villages have either their separate works of irrigation, or a definite share of water from some Government work to which they are always entitled without any reference to the extent of land cultivated. In such cases the classification of village lands as wet and dry is a question of no importance being simply made for the purposes of valuation. The few exceptional cases of inam villages which are entitled to no such definite share in the Government works of irrigation, but have simply a right to water for their usual wet lands, must be treated on the principles applicable to minor inams as explained in paragraph 2, inasmuch as the land entered as wet in the title-deed has been taken into account, and treated as land entitled to water without charge.

5. Referring to the inams of Kodur and Idur under notice, I beg to make the following observations. Sunnuds have been produced in some of these cases, but they contain no particulars of the extent or classification of the inams. The extent recorded in the title-deed under the head of garden is entered in the inam registers as being irrigated under private works of the inamdars, and if Government water has been now taken, as appears from the Collector's statement, there is no objection to a water-cess being levied. As for wet land, there is no question in the case of the inam of Idur, the extent charged with tirvajasti being that in excess of what has been confirmed by this department. The inams in the village of Kodur were measured on some complaint in fasli 1266, and in disposing of the excess which then resulted, this department confirmed as wet the full extent inclusive of waste entered under that head in the jarib, or measurement account of fasli 1212. In a few cases, however, the extent, according to the recent measurement, appears to have been allowed, and the title-deeds have been now sent for correction.

The Board do not feel in a position to submit the matter referred to in the foregoing letter for the decision of Government, until they ascertain distinctly from Mr. Blair, whether or not the profits derivable from the cultivation of a single crop on the extent of land entered in the new inam title-deeds as "wet" were taken into account when the enhanced quit-rent was calculated for the enfranchisement of village inams, or of minor inams.

2. The Board will also feel obliged to Mr. Blair, if he will inform them, whether every effort has, as a rule, been made by the officers of his department, when making the settlement, to ascertain and enter, in the title-deed not only the quantity of land to which the inamdar was fairly entitled, but also the quantity of land for which he was entitled to water.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To W. T. Blair, Esq., Officiating Inam Commisioner.
Copy to J. W. B. Dykes, Esq., Collector of Nellore.

Read—also the following letter from W. T. BLAIR, Esq., Officiating Inam Commissioner, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Coimbatore, 31st May 1865, No. 13:—

In reply to the Proceedings of the Board of Revenue, dated 27th ultimo, No. 2124, I have the honour to state that care was taken by the officers of this department in making the settlement to ascertain and record the proper extent of wet land, which the inamdars were entitled to irrigate free of a separate water-cess, as has been already explained in paragraph 2 of my letter, dated 14th March 1865, No. 8. No further special inquiry beyond what is there described was considered necessary, as it was taken for granted that the inamdars were entitled to the extent of wet land entered in their sunnuds, or in the standard inamati accounts.

2. The assessment of wet inams was invariably calculated at the nunjah rates of the village, and consequently the profits derivable from a single crop were taken into account in calculating the quit-rent charged for enfranchisement.

3. Where the second crop also had all along been enjoyed as inam, the assessment on the second crops was also duly taken into account in the calculation of quit-rent. Where inams were already assessed in the paimash at a consolidated double crop rate, such assessment was of course adopted. Cases of these descriptions have been comparatively few, and were always distinctly noticed in the registers.

4. To obviate any possible misconception on the point, I would here observe that in the case of *large* wet inams, whose present extent of cultivation was comparatively small, and the prospect of their full cultivation remote with reference to the general circumstances of the village or irrigation, the full *wet* assessment of every acre composing the inam was not taken into the assets for the calculation of quit-rent, but only such portion of it was adopted as seemed fair in effecting a permanent settlement once for all.

5. Thus, if the inam was 200 acres wet, and the present cultivation only 75, the full nunjah assessment of the latter extent, *plus* a discretionary charge on account of the remaining waste, formed the assets for the quit-rent; or, in other words, a fair reduction had to be allowed on account of waste, in order to admit of a permanent settlement being effected with the inamdar.

6. Such reductions were comparatively few and moderate; but where they were made it was never intended to affect the inamdar's future right to irrigate, without extra charge, the waste lands on which such deductions were allowed, provided he could not (?) do so with his accustomed supply of water.

7. I take this opportunity of submitting, for such consideration and orders as the Board may deem it to deserve, a question which has lately come before me in connection with the subject of tirvajasti on inams, viz., is the holder of a whole inam village consisting of dry, wet and poramboke lands, at liberty to cultivate, free of water-tax, any lands, however classed, provided he does not exceed the total extent of wet covered by his title-deed? Or is he liable to tirvajasti if he irrigates lands classed as dry or poramboke, notwithstanding that the total extent of wet cultivation is below that in the title-deed?

8. This is a question on which totally different opinions might be held; but the more liberal course would, in my opinion, be to leave the inamdar free as to what lands he chooses to irrigate, provided the total extent does not exceed that confirmed in the title-deed.

Resolved that the proceedings of the Governor in Council above recorded be submitted for the consideration and orders of His Excellency in Council.

2. An apparent inconsistency between certain statements made by the Inam Commissioner, in reference to an inamdar's right to a full supply of water for the quantity of land entered in his title-deed and the views expressed by him on the question of charging the excess, as indicated in a letter addressed to the Board in 1863, and the general question of charging the excess in a subsequent letter on the same subject in inam lands gave rise to the foregoing correspondence.

3. Mr. Blair explained that the inam village to which he referred in his first letter had been settled in an exceptional manner, and that therefore he was of opinion that a water-rate might be charged upon the lands entered in the title-deed as "wet," if it could be shown that they had never previously been cultivated with wet crops. It appeared that the Deputy Collector, when making the settlement of the village, had accepted the classification of the lands as given him by the village officer, as no title-deed was forthcoming, and as he proceeded under the general impression that the water-supply of inam villages was regulated by usage and not limited to a particular acreage.

4. It is obvious, that if the inam settlement throughout the country had been generally conducted on these principles, so that the title-deeds, though professing to give a right to a defined quantity of irrigated land, in reality gave no title to water, the new tenure would have been robbed of many of its advantages. The Board accordingly requested the Inam Commissioner to state, whether as to minor inams the classification entered in the title-deed was to be considered as final, and whether in calculating the quit-rent payable on enfranchisement by the holders of either minor inams or of village inams, the profits obtainable from the extent of land entered as irrigated in the title-deeds was taken into account. The Board put this question, as they considered that if such profits had been taken into account in calculating the value of the inam it was certainly not competent for the Government to reduce such value by making any charge for water supplied for the irrigation of land entered as "wet" in the title-deeds of either description of inam.

5. In his letter, dated 14th March 1865, No. 8, the Acting Inam Commissioner reported, that so far as minor inams were concerned, the investigation and settlement of the tenures on which they were held, embraced an inquiry into the rights of the parties to hold the inams as "wet" or "dry," and that this point was determined on the best evidence available. At the same time he observed that he was not prepared to state that the fact of land being entered in a title-deed as "wet" gave the inamdar a right to more than his usual supply of water; but that, in his opinion, the correct course would be to allow to inam lands, entered in the title-deeds as "wet," the same supply of water as is allowed to Government lands under the same source of irrigation. An additional assessment being levied if the source of irrigation was improved at the Government expense. As to whole village inams, Mr. Blair explained that the collections made by the inamdars during the last five years, or the assessment of the cultivated area with a discretionary addition on account of the waste, formed the assets on which their quit-rent was calculated; but in the cases of those whole villages which are not entitled to any definite share in the Government works of irrigation, he explained that the value of the whole amount of land entered as "wet" in the title-deeds was included in the assets, and was entitled to water without charge.

6. As the Acting Inam Commissioner had not distinctly stated that the value of a single crop on all the wet land entered in the inam title-deeds had been taken into account, in fixing the quit-rents on enfranchisement, and as his remarks as to the right of a holder of a minor inam to water for such land were, in the Board's opinion, indefinite, the question was again put to him in the Board's Proceedings, under date 27th April 1865, No. 2124. In his last letter, recorded above, Mr. Blair states distinctly that the wet assessment of the lands was taken into account in fixing the quit-rent; but, he adds, that when the quantity of wet land entered in a title-deed as "wet" was largely in excess of the usual cultivation, the profits derivable from the whole extent, if irrigated, were not included in the assets, but only the value of the cultivated portion, with a discretionary charge for the waste. When such reductions were made, however, it was never intended to affect the inamdar's future right to irrigate those waste lands without extra charge, provided he could do so with his accustomed supply of water. In the same letter Mr. Blair raises the question whether an inamdar should be charged water-rate if he raises wet crops on lands entered in his title-deed as "dry," provided the whole extent of wet crops raised are not in excess of the land entered as "wet" in the deed; and he expresses his opinion that in such cases no charge should be made.

7. So far as the Board understand the Acting Inam Commissioner, it seems that, as a rule, the settlement has been made with reference to the usual supply of water only, and that in fact the quantity of land entered as "wet" in the title-deeds gives no right, in his opinion, to water in excess of that usual supply, even though it had never irrigated half the quantity of land entered in his title-deed.

8. As observed by the Acting Inam Commissioner himself, it is an excessively difficult matter to determine what a "usual supply" of water may be, except by determining the number of acres to be supplied with water for a single crop.

9. The order of Government noted in the margin, in which it has been ruled that all land entered as "wet" in the original inam title-deeds is to be supplied gratis with water for a single crop, has, however, virtually disposed of the matter. Mr. Blair has reported that in determining the quantity of irrigated land to be entered in the new title-deeds, the Deputy Collectors obtained the best evidence available. The new title-deeds, therefore, may be taken to have been drawn up in as strict an accordance with the old deeds as was possible when many of those deeds were missing, and under the spirit of the order just referred to, the holders of title-deeds from the Inam Commissioner would be entitled, free of charge, to irrigation for a single crop for all the land entered as "wet" in these deeds, subject, of course, to the rights to irrigation from the same source possessed by other persons. If the Inam Department have not exercised due caution in classifying the land in the deeds, the Board fear that it is now too late to rectify mistakes, and rather than throw discredit upon the settlement by casting any doubts upon its finality, they would recommend that a liberal reading of the rule be adopted; and that the Government Order referred to in the preceding paragraph be declared applicable to all inam title-deeds, whether old or new. The Board are, however, unable to support the Inam Commissioner's proposal, that no charge be made upon an inamdar for water supplied for the irrigation of lands entered in the title-deeds as "dry," provided the total extent of land irrigated by the inamdar is not in excess of the total quantity of land entered as "wet" in his title-deed.

3rd February 1864, No. 198A.

10. It will be observed from paragraph 2 of the Acting Inam Commissioner's letter, dated 31st May 1865, No. 13, that in all cases in which the exemption from the Government demand was extended to the second crop, as well as the first crop, a special entry has been made in the register, so that if the recommendation made above be approved of by Government, no difficulty is likely to be experienced from the occasional occurrence of such cases. The Board feel assured that if the course now recommended be adopted, the indirect advantages which will accrue to the State from the additional security given to inam property, will fully counterbalance any possible loss of revenue which may arise from the liberal policy advocated above.

No. 193. Order—No. 1871, Revenue, dated 11th August 1865. — 5027 18-8-65

Land Revenue.

The Board are right in saying that the G.O., of 3rd February 1861 has placed the question beyond doubt. No inamdar is liable to be charged for irrigation to a single crop on the extent of nunjah land expressed in his title-deed, and the Government see no reason to doubt that the extent has been recorded on the best evidence available. Where the nunjah is recorded as second-crop land, the irrigation for two crops is to be free of charge. Where registered punjah is converted into nunjah by water from Government sources, it will be liable to pay the usual tirwaja, irrespective of the extent of *cultivated* nunjah in the inam holdings.

2. The Government do not undertake to improve irrigation works for the benefit of inamdars without any additional charge; but where the repair of works restores to the nunjah ayacut, in whole or in part, the original supply on which its classification as nunjah was based, it is simply just to allow the inamdar to receive his fair share of the water free of charge.

(True Extract.)

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

To the Board of Revenue.

Exd. Shaik Karim.

18 Copies.

the waste. When such reductions were made, however
future [illegible] to irrigate those waste lands without extr
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(True C[illegible]

To W. Hulleston, Esq., Acting Secretary to Government, with copy of Board's Proceedings, No. 5,836, 6,738 of 1864, and 315 and 2,124 of 1865.

Copy to W. T. Blair, Esq., Officiating Inam Commissioner.
" to J. W. B. Dykes, Esq., Collector of [illegible]
" to R. E. Master, Esq., Officiating Director of Revenue Settlement.

Exd. R. H. Lee.

Rev. 1865. Department.

No. 2098.

OCEEDINGS OF THE BOARD OF REVENUE,

d 22nd July 1865.

re of the Board of Rev. dated
No. 4,270.
Board's Rec 22 Sept 1865 C.P.

With Order

Submitting, with remarks, letters from Inam
mmissioner on subject of right of certain
amdar in Nellore District to a full supply of
r for quantity of land entered in his Titled
ed.