

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2668-	Press Mis.
	583.584	
Dated.	31-10.	1865.

Not to be folded or roughly handled

No. 583. Read the following Proceedings of the Board of Revenue, dated 11th October 1865, No. 6422 :—

Read the following letters :—

From the Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Cocanada, 20th June 1865, No. 108.

I HAVE the honor to acknowledge receipt of a copy of Government Proceedings, Revenue Department, of 11th May 1865, with which are sent the revised rules for the levy of water-rates in the Godavery and Kistna deltas, and the opinions of the Collectors of those districts are called for on certain alterations proposed by Government in the rules.

2. A little confusion exists from the draft rules, referred to by Government in their present Proceedings, being not those now forwarded, but a set which was sent to me with copy of Board's letter to Government, No. 334, and of the Draft Act, about the beginning of March. This the Board will see to be the case from the two papers (to be returned) which I sent them—A, having been received in March, B, on the 7th instant.

3. The adoption of the alteration proposed in rule II will necessitate a very extensive correction of the Settlement registers which have just been completed.

4. Lands that have been prepared for the growth of wet crops and cultivated with such for two or more years at any time subsequent to the formation of the anicut, and with the means of permanent irrigation still available are, though now cultivated as dry, still charged with water-rate and entered in the accounts as wet land under the existing rules. Under the proposed alteration in rule II they must be entered as dry.

5. Lands now cultivated as wet, and that have been so since 1st July 1863, or for faslis 1273 and 1274, two seasons, though now of course entered in our accounts as wet, must, under the proposed alteration, be altered to dry, because the two seasons are subsequent to 1st July 1863.

6. The experience of two seasons is quite sufficient for the ryot to determine whether or not it will pay him to irrigate his lands. I would, therefore, propose that the alteration in rule II be—"and have been actually irrigated for two or more seasons subsequent to the construction of the Godavery (or Kistna) anicut." By retaining also the condition that the land must now be cultivated as nunjah, a most liberal concession will be made, and no one can complain of the rule then I think.

(Paper A.)

7. Rule III should, I agree with Government, be certainly struck out.

8. The Board will observe that in paper marked B., rule VIII has been altered as proposed by Government, and in this alteration I concur. In this paper the rule is No. 7, not No. 8. It was No. 8 in paper marked A. I think the allowing such unlimited freedom of choice as is given to the ryot by clause 2 of rule VII (Paper B.) may lead to much confusion in our accounts, and much fraudulent use of water by ryots and inamdars. If it be admitted that two years' use of water is a sufficient criterion to decide whether ground will pay for irrigation or not, I think that when, under rule 7, a ryot signifies his intention to convert dry into wet, he should be told "yes you may; but if you use the water for two seasons consecutively, and take it also for a third season, without saying whether you intend to continue taking it for longer or not, your so taking it shall be deemed a tacit agreement on your part that the land shall be classed permanently as wet provided the means of irrigation do not fail," and I would so class it at once, and allow no further option.

9. This proposal of mine would necessitate the alteration of clauses 2 and 3 of rule VII.

10. The rules should be altered so as to contain instead of the present the lately fixed rate of 4 and 2 rupees per acre instead of 3 and 1½, and for a composition rate of 7 instead of 5 rupees.

From the Acting Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 8th September 1865, No. 155.

With reference to the Board's Proceedings of the 1st June last, No. 2888, I have the honor to report that I have gone carefully through the Draft Act and the rules

prepared by the Board in January last for the levy of water-cess, and the modifications made in them by the Government in their Order, dated 11th May last, No. 986.

2. In rule IV after the word "plantains," I think should be added "for the cultivation of which irrigation water is used," for I know, from personal experience, that some plantains grow on dry land and never receive a drop of water beyond what the rain supplies, and it cannot be the intention of Government to have dry land on which plantains are grown, which does not receive water, charged with a double water-assessment.

3. In rule IX, I think it would be better to drop the indefinite threat regarding a criminal prosecution. If the parties surreptitiously taking water are punishable under the Penal Code, they can be prosecuted as for any other crime and punished, even if this portion of the rule were omitted.

4. I have no further remarks to offer, beyond my opinion that I think the rules, as modified, will be practical and easy of application. As the Board observe the second paragraph of rule II is apparently a misprint, and should have been struck out with rule III.

RESOLVED that the foregoing letters be submitted for the consideration and orders of Government, with reference to their Order, dated 11th May 1865, No. 986.

2. The Board deem Mr. Fraser's remarks well worthy of consideration. If the words "previous to July 1863" are retained in the revised rule No. II, numberless corrections will have to be made in the Settlement registers, and considerable inconvenience will result. The substitution of the following for paragraph 2 of rule VII would meet Mr. Fraser's views, and would, the Board think, be an improvement:—"Where the means of irrigation already exist for such land, the Collector will let the ryots understand that if water be taken for three years in succession, the land will be permanently classed as irrigated under rule II above." The composition rate should also be fixed at Rs. 7 as proposed, in order to agree with the present single rate of Rs. 4.

3. With reference to Mr. Chase's remarks, the Board observe that the charge made under revised rule IV is distinctly stated to be "for water." Clearly, therefore, no charge could be made under it if no water was supplied. Nor do the Board agree with Mr. Chase in thinking it advisable to omit the concluding sentence of revised rule IX. The rules will probably be carefully studied by the persons interested, whereas they are very unlikely to make themselves acquainted with the provisions of the Penal Code.

No. 584.

ORDER THEREON 31st October 1865, No. 2665.

Land Revenue.

On re-consideration of the point, the Government are not disposed to insist on the retention in the rule II of the date prior to that of the Secretary of State's Despatch, observing that it will lead to the anomaly of land that may have been irrigated regularly since July 1863, or even earlier, being classed as unirrigated.

2. The proposed change in clause 2, rule VII, is also approved, and the rules as finally revised and appended to this order will now be brought into full operation, the rates being the enhanced amounts lately introduced.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.
„ the Legislative Department.

RULES FOR THE ASSESSMENT OF THE WATER-RATE IN THE GODAVERY AND KISTNA DELTAS.

THE new Revenue settlement will be made in the Godavery and Kistna deltas on the principle of an assessment of the land according to its natural capabilities without irrigation, and a separate water-assessment to be levied as follows.

2. All lands now permanently supplied with the means of irrigation for a single wet crop, and which are now cultivated as nunjah, and have actually been irrigated for two or more seasons, shall be classed as "irrigated" and charged Rs. 4 per acre per annum for water, in addition to their fixed land-assessment. Such land shall not be transferred to punjah unless the means of irrigation fail permanently.

3. Where water is supplied for a second crop of any description on nunjah land, a water-rate of Rs. 4 per acre shall be charged for the same; but it shall be competent to any land-holder to compound for irrigation for two crops either for a term of years or in perpetuity, at the rate of Rs. 6-8-0 per acre, payable annually (in addition to the land-assessment), except on the occurrence of a total failure of water.

Such composition shall not be for a less period than five years, and if it be made without limit as to time, one clear year's notice of its discontinuance must be given.

4. Sugar-cane, betel, plantains and other such garden produce remaining on the ground for the time of two crops, shall pay Rs. 8 per annum per acre for water all the year round; but the owner of lands so cultivated may compound under rule 3.

5. Temporary irrigation for a nunjah crop on dry land shall be charged for at the rate of Rs. 4 per acre for each crop besides the regular land-assessment.

6. Temporary irrigation for punjah crops on dry land shall be charged at the rate of Rs. 2 per acre, either for first or second crop, beside the regular land-assessment.

7. When ryots desire to convert dry land into wet, application is to be made to the Collector either directly or through the Tahsildar on or before the 31st March, and the Collector will arrange with the Public Works Department for the supply of water.

Where the means of irrigation for such land already exist, the Collector will cause the ryot distinctly to understand that if water be taken for three years in succession, the land will be permanently classed as irrigated under rule 2 above.

The Collector shall, however, be at liberty to require the ryot in exceptional cases to enter into an agreement for continuing to take the water for such period as he may deem necessary and equitable in the interests of Government, or of other individual ryots, before arranging for the supply.

Where it may be necessary to execute new works at Government cost in order to provide the required supply, such preliminary agreements for the continuance of the water-rate as may in each case appear necessary shall be taken from the land-holders for whose benefit the work is designed, but the fulfilment of the agreement will depend on Government sanctioning the proposed outlay for the works.

8. Where water is temporarily required for punjah crops on dry land, application may be similarly made at any time, and the Collectors will arrange with the Department of Public Works for the supply, if other exigencies will admit of it.

9. Where water is surreptitiously taken by ryots, double the water-rate which would be chargeable according to these rules shall be rigidly exacted, and the parties thus taking water will be further liable to a criminal prosecution.

10. These rules shall apply to zemindari and inam lands, except where, in the case of zemindaries, a composition shall have been made either for fixed yearly payment, or according to the quantity of water supplied. Provided always that no charge whatever shall be made under these rules for a single crop on zemindari or inam land where such lands are proved to have been customarily cultivated with wet crops under old tanks, channels or by any other means of irrigation whatever, prior to the construction of the anicuts, or to have been charged in the accounts with such a rate of assessment as indubitably indicates the title of such land to water, or by the terms of the grant to have been given as nunjah inam.

*Proceedings of the Madras Government, Revenue Department,
31st October 1865.*

11. The arrangement, whereby in a part of the Kistna delta in the old Gantúr division a consolidated water-rate of Rs. 4 per acre has been introduced, will be superseded by the present rules. But in the other parts of the delta in that division where the system of nunjah rates prevails, that system will remain undisturbed till the new Revenue settlement is introduced.

12. The water-rate payable under these rules shall be paid at the stated time along with the land-assessment, or in the usual instalments where there is no such land-assessment payable to Government.

31-2675

No. 282

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 11th October 1865.

11-8-74
9-1-95

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p. 11. 05.

Ms. A. 5. 54.

Submitting with remarks opinion of the factors of the Godavery and Krishna Districts the revised rules for the levy of water on the Godavery and Krishna Deltas.

No. 6,422.

[illegible]

3107- Oct 7/65
The Hon. Secy of the Interior
Washington

Admiral