

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1375	Press ~~Mis.~~
17-18 Dated	1-9-1820 19.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
1st September 1870.*

No. 17. Read the following Proceedings of the Board of Revenue, dated 31st May 1870, No. 3,706 :—

Read the following letter from the Officiating Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated Krishnapatam, 9th April 1870, No. 750.

THE Executive Engineer in charge of the Nellore Range requested me to collect from certain Inamdars a portion of the amount estimated for repairing the irrigation works from which their lands are irrigated. As no such requisitions were ever made by the Department Public Works, and some of the Inamdars declined to pay anything, I requested the Superintending Engineer to state the authority under which the collection is to be enforced, and the proportion at which the quota payable by the Inamdars has been fixed. I enclose copy of my letter to the Superintending Engineer, 2nd Division, dated 3rd December 1869, No. 2,399, in which the circumstances of the case are fully detailed.

2. In his reply (copy enclosed), dated 10th January 1870, No. 99, Colonel Moberly states that estimates for irrigation works are prepared on the requisition of village or talook authorities, and that, on information received from them, the proportion of land belonging to Government and to Inamdars is entered therein and forwarded to this Office. He observes, further, that the counter-signature of the Collector asserts the correctness of this as of any other return on the estimate, and supports the charge. According to the Superintending Engineer's own showing, this custom is said to have been in force in the Kistna and Nellore Districts, only since September 1868, when a Circular was issued in the District Gazette, dated 14th November 1868, page 846, by the late Superintending Engineer, Colonel Winseom, quoted below for easy reference :—

“ Range Officers are requested invariably to show in their estimates for irrigation repairs the number of acres under the work estimated for, which belong to Government ryots, and the number which are the property of Inamdars, Shrotriendars, in order that a proportionate share of the expenditure may be recovered through the Collector from the Inamdars, etc. The information can be at once obtained by a reference to the Irrigation Register lately forwarded to each range from this Office.”

3. In concluding his letter, Colonel Moberly states that this is the first time any objection has been raised to the procedure.

4. The estimates received from the Department of Public Works are returned to them after counter-signature. I am therefore unable to say whether it was distinctly entered therein that a certain sum should be contributed by the Inamdars. But it would appear from the wording of the Superintending Engineer's letter, that the extent of Inam lands irrigated is alone entered. No information has been given how the quota, payable by the Inamdars, has been calculated.

5. As the Inamdars have not hitherto contributed anything to the repairs of irrigation works, I doubt whether the Superintending Engineer's Circular of 1868, or the Collector's counter-signature on the estimates, can warrant my proceeding to collect the sums required from the Inamdars. I request therefore the Board's early instructions.

*Proceedings of the Madras Government, Revenue Department,
1st September 1870.*

ENCLOSURE No. 1.

From the Officiating Collector of Nellore, to the Superintending Engineer, 2nd Division, dated 3rd December 1869.

In his letters, dated 1st September and 18th October last, bearing Nos. 318 and 407, respectively, the Executive Engineer in charge of the

Names of Works.	Amount of the estimate.	Amount to be recovered from the Inamdars.
Idagali channel	RS. 252	RS. 25
Cherukumudi large tank	210	27
Jswarawala tank	510	15
Tippaguntapalemkotta tank	250	5
Chemudugunta tank	318	34
Kondlapadi Vateru tank	296	...
Vellanti Brahmanna tank	476	14
Kakatur Poturagu tank	190	17
Do. Mogalla tank	61	16

Nellore Range requested that out of the expenditure incurred on the irrigation works marginally noted, certain sums might be collected from the Inamdars concerned.

2. On receipt of the first of the above letters, the Gudur Tahsildar was called upon to report if the Inamdars were willing to pay the amount required. In his reply, dated 18th October 1869, No. 813-3,465, the Tahsildar reported that the holders of the Service Inams declined to bear any part of the charge, and in his subsequent Report, dated 19th ultimo, No. 964-3,946, that of the remaining Inamdars, only four have agreed to pay their share.

3. On receipt of the second letter, Major Clay was requested, by docket No. 1,991, dated 21st October 1869, to state the authority under which a portion of the expenditure incurred is proposed to be collected from the Inamdars. His attention was also called to the Kondlepudiv tank, as the amount of the estimate to be collected from the Inamdars was not specified.

4. In reply, * Major Clay has forwarded to me copy of your docket, No. 537, dated 13th ultimo, and states that if the question is not arranged soon, his statement of miscellaneous advances will be largely augmented.

* No. 474, dated 24th November 1869.

5. The Circular of the Controller of the Public Works Accounts, communicated with the Board's Proceedings, dated 15th October 1868, No. 7,393, and the Board's Standing No. 157† are quoted in your docket, referred to, as the authority under which the collection is to be made from the Inamdars.

6. In paragraph 4 of the Controller's Circular, the expenditure on petty repairs is referred to, as usually incurred by the officer of the Department of Public Works, in the first instance at the request of the Revenue authorities, the share to be borne by the ryots, being fixed by the latter. I do not find that any such requisition has been made by the Revenue authorities, nor does it appear to have been usual in this district to call upon the Inamdars to pay a portion of the expenditure. In their Proceedings referred to the Board observe that "in all cases of repairs to works of irrigation in which Inamdars, etc., are to bear any share, the proportion to be paid by them, should be decided by Collectors and communicated by the Range Officers. In the present instances the proportion to be borne by the Inamdars has been fixed by the Department Public Works, but it does not appear on what principle the amount has been fixed. The Controller's Circular refers to sums received from "ryots and land-owners" and the Board's Proceedings applies to cases where the "Inamdars, etc., are to bear any share."

7. The Board's Standing Order, No. 157, quoted by you, refers to repairs of irrigation works in Inam and Shrotriern villages. In the Government Order of 1852, annexed thereto, the propriety of requesting certain Inamdars to bear a portion of the expenditure incurred in restoring a ruined tank was discussed, and the Government decided that the Inamdars, with the exception of the holders of Service Inams, should bear a fair proportion of the expenditure, the rates of payment being decided by the Board. But the Board's recent Order (No. 172) disposes of the

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question regarding the liability of Inamdars when works of irrigation are restored. When irrigation works are improved, the Inamdars benefited by such an outlay of public money are liable to the additional charge specified in the order referred to; but when Government restore the existing works, the Inamdars are entitled to a supply free of additional charge to their lands classed as wet under such works.

8. The holders of Inam and Government lands are precisely on the same footing and entitled to irrigate their registered wet lands, the former on payment of the quit-rent, and the latter on payment of the Taram assessment, being liable only to execute the "Kadimaramat" or customary labour according to usage, and to pay water-rate when their registered dry lands are converted into wet from public sources of supply. When the holders of Government lands are not called upon to contribute to the repairs of the tanks, I do not see how the Inamdars can be compelled to pay a share.

9. No reference has been made to the Tahsildar regarding the irrigation works specified in the second letter of Major Clay. Before taking any steps in the matter, I have the honour to request that you will favour me with an early reply, stating the authority upon which the Inamdars referred to are to be called on to pay the proportion of charge for repairs to the tanks, etc., in question.

ENCLOSURE No. 2.

From the Superintending Engineer, 2nd Division, to the Acting Collector of Nellore, dated 10th January 1870, No. 99.

In reply to your No. 2,399, 3rd December 1869, I have the honour to observe that in the regular procedure of the Department of Public Works in this Division, estimates for irrigation works have been prepared in accordance with requisition made by village or talook authorities on information received from them; the proportion of land belonging to Government and to Inamdars was entered in the estimate, and the whole forwarded to your Office.

2. The counter-signature of the Collector, I conceive, asserted the correctness of this as of any other return on the estimate, and, I submit, supported the charge.

3. This has been the custom in both Kistna and Nellore Districts since September 1868, and this is the first time any objection has been raised to the procedure. The Superintending Engineer published a Notice in the Gazette of 14th November 1868, page 846, to this effect.

From this letter it appears that local officers of the Public Works Department in Kistna and Nellore have taken it upon themselves, since September 1868, to apportion expenditure on irrigation works between the Ryotwary and Inam lands benefiting thereby, and to levy a proportional share of it from the occupants of the Inams.

2. The Board are not aware that this practice has been authorized by any competent authority. There are cases in which immemorial custom imposes a share of the cost of keeping irrigation works in repair on Inamdars or Shrotrierns, but they are few in number, and, as a general rule, Inam lands described as wet lands in the Inam Title-deeds are entitled to irrigation free, and the owner is in no way liable to be called on to contribute to the cost of repairs.

3. These Proceedings will be submitted to Government.

*Proceedings of the Madras Government, Revenue Department,
1st September 1870.*

No. 18. ORDER THEREON, 1st September 1870, No. 1,375..

Irrigation, No. 1.

THE Government observe that G. O.,
dated 11th August 1865, No. 1,871,
disposes of the question raised by the

Officiating Collector. Its terms explicitly forbid the levy of contribution from an Inamdar towards the irrigation of land entered as nunjah in his Title-deed, and as it does not appear that any fresh land was brought under irrigation by the repair of the works in question, the Inamdars ought not to have been called upon to bear any share of the cost.

2. If in any case it be decided that Inamdars should be required to contribute towards repairs, the amount of their contribution should be settled by the Revenue Department by previous agreement, and should take the form of a lump payment.

3. These Proceedings will be communicated to the Department of Public Works, with a view to the check of similar irregularities in the Nellore and other districts; and also in order that it may be ascertained how, in the particular instance referred to, the Inamdars' contributions were accounted for, and whether the ryots were also called upon to contribute to the cost of repairs.

(True Extract.)

(Signed) H. E. STOKES,
Under-Secretary to Government.

To the Board of Revenue.
,, the Public Works Department.

Rs 1/29 for order

This seems to have been a most unwarrantable assumption of authority by the late Superintending Engineer.

The right of Inamdar to water without charge is clearly defined in G. O. 11 August 1865 No 1871, and even when liable to such a charge it should take the form of a water-rate on the land irrigated, not a contribution to the repair of the works.

It may be as well

I would transfer to D.M. in view of the error being corrected in Mallam & other Districts. The propriety of charging Inamdar should if the Government had the right of contribution - must be settled by the Government with reference to the fact stated - which is very explicit. The authority on which the Superintending Engineer has taken his decision should be ascertained in the D.M.

If in any case it be decided that Inamdar should be required to contribute towards repairs - the Govt.

Govt. of 1870
REVENUE.

To
THE BOARD OF REVENUE,
Secy, Secy, Secy.

Dated September, 1st.
Recd.
G. O., 1st September 1870, No. 1,375.

SEPTEMBER.
Nos. 17-18.

Irrigation works in Nellore District.
Proceedings Board of Revenue with reference to the question of collecting a portion of the estimated cost of their repair from Inamdar bearing by them, with orders thereon.

To ascertain from
the Controller P.W.D. - how much
how much contributions in the form of a
are shown in the accounts, labor - is probably to
for I am under the impression that the
materials etc. He can
repair estimates and not in fact a better
allotments cover everything. The mode in which

P.W.D.

such contributions are
a correct form and
whether in the estimates
stated - By its use
required to be - as
well as the same
should be accepted
in P.W.D.

N.L.S.P.

Care

MA

Memorandum
Contribution by land-owners towards repair of certain irrigation works in the District

Revenue Department

No. 1375

• PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 1st September 1870.

Read the following. Proceedings of the Board of Revenue.

(Here enter 31 May 1870 No 370)

The Government observe that G. O. dated 11 August 1865, No 1871, disposes of the question raised by the officiating Collector. It terms explicitly, forbids the levy of contribution from an Inamdar towards the irrigation of land entered as Kunguk in his Title Deed, and as it does not appear that any fresh land was brought under irrigation by the repair of the works in question the Inamdar ought not to have been called upon to bear any share of the cost.

J. D. S.

2. If in any case it be decided that Mandar, should be required to contribute towards repaying the amount of their contribution should be settled ^{by the Revenue Dept} by previous agreement, and should take the form of a lump sum payment: the ~~imposition of a water rate under such circumstances is improper~~

3. These Proceedings will be communicated to the Department of Public Works with a view to the check of similar irregularities in the Mellore and other Districts and also in order that it may be ascertained how in the particular instance referred to, the Mandar contributions were accounted for, and whether the Ryots were ^{also} called upon

contribute
again to pay to the cost
of the work.

14. To the Proprietor Dept
21. Mr. D. P. M.

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