No 218-214

Go

Return of expenditure
for Land Survey Stores
for 1871/72

Original

Govt. of [1872] Madras

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c.,

Dated November 20th.

Recd. Encl.

G. O., 29th November 1872, No. 1,628

NOVEMBER.
Nos. 215-216.

Tank Ayacuts.—Proceedings Board of Revenue, passing orders on report from Director of Revenue Settlement regarding their revision approved.

Go

Return of expenditure

G.O. 20 July 71 No 101 Mis
- 27 October 71 No 373-74

8-9-5011

Revenue Depart.
No 1782.

1872.

Board of Revenue,

MADRAS.

PROCEEDINGS, 10TH MAY 1872, No. 746.

Dupl 22 May 72

Encl.

Received 23 May 1872

MAY.

No. 746.

Revision of Tank Ayakuts.—Orders passed on report from Director of Revenue Settlement regarding.

1628

C. 24 May 72 R. 27 May

Proceedings of the Madras Government, Revenue Department, 29th November 1872.

No. 215. Read the following Proceedings of the Board of Revenue, dated 10th May 1872, No. 746:—

Read the following letter from G. BANBURY, Esq., Acting Director of Revenue Settlement, to the Secretary to the Board of Revenue, dated Madras, 9th March 1872, No. 469-14.

IN answer to Board's Proceedings dated 27th November last, No. 4,318, I have the honour to forward copy of a letter* received from Mr. Rundall, which furnishes complete details of the measures adopted by him in Nellore, as regards the revision of tank ayakuts; and also to submit a few remarks upon this subject as requested in Board's Proceedings dated 4th July 1871, No. 2,689. Mr. Rundall's observations which I asked him to make regarding this matter, with which he is so practically conversant, are contained in the latter portion of the accompanying letter.

* Dated 12th February 1872, No. 111-40.

2. I need not take up the Board's time by discussing Mr. Rundall's procedure, as his letter explains all clearly enough. It will be observed that in Nellore the transfers were from wet to dry and *vice versa*, whereas the Board's rules and those issued by Mr. Garstin only touch upon the first change and alteration. I would certainly advocate that those measures which have been so carefully carried out in the case of Nellore be allowed to hold good, whatever may be the orders passed regarding the course hereafter to be adopted in other districts.

3. In those provinces dealt with by the Settlement Department the disposal of this question is now deemed part and parcel of the Settlement Officer's work. In Trichinopoly Mr. Puckle not only carried out this task but also restricted and defined the limits up to which cultivation should be carried on upon lands bordering the water-spread of tanks, so that no injury should be caused to these reservoirs by ploughing going on within their beds, and thus silting them up far sooner than would otherwise be the case.

4. I do not see that there is any necessity for waiting until certain details, such as the area of the catchment basins, the capabilities of the supplying channels, the loss by evaporation, etc., can be gathered by the Department Public Works for the purpose of furnishing statements of the supply which each reservoir should properly hold, as we have a very safe and very practical guide for determining this point in the annual returns of acreage actually cultivated with wet crops under each source.

5. It certainly seems very advisable, as remarked by the Board,† to give district officers a certain degree of latitude to meet the different circumstances of their different districts. Thus Mr. Longley, when writing of Salem, says:‡ "Cases in which the registered (fysal) area of a tank is beyond the irrigable capabilities of a tank are very few;" whereas in Chingleput the cases in which the tank can really irrigate anything like its ayakut are quite the exception.

† Paragraph 2 of Board's Proceedings dated 4th July.

‡ Paragraph 5 of Board's Proceedings dated 9th January 1872.

6. This peculiarity in the Chingleput District has often been brought to notice, and is particularly remarkable in the Sydapett and Ponnery Taluqs where the ryots plough when rain moistens the ground, and sow paddy without the fields being irrigated*. Then, if the season be good, the crop reaches maturity owing to falling rains, the fact of water being near the surface, and to one or two waterings direct from the tank should the inadequate supply permit. Of course, if the rain fails, the crop fails; and, in fact, the system is very similar to that described by Mr. Thornhill in his report on Ganjam, dated 10th ultimo, paragraph 25, *et seq.* The Chingleput ryots are generally unwilling to relinquish the practice, and such Mr. Thornhill states to be the case with the cultivators in Ganjam. This at once leads to a consideration of the question of "consent," which, although of not much consequence in Salem where the instances in which it would have to be obtained are but few, is of the utmost importance in a district like Chingleput where the cases must be counted by thousands, and where the people are both tenacious of, and thoroughly well acquainted with, their individual rights. The Board will notice that Mr. Rundall deems the consent of the holder of the land only a *sine qua non* in doubtful cases, but where the justice of the transfer is clearly borne out by reason and evidence, he discards this element of assent from the transaction.

* This is termed "Poojadykal" or dry sowing, in contradistinction to the "Seradi" or wet sowing.

7. The changes from dry to wet would, as a rule, be effected without a word of objection from the field-owners when the grounds for the change were valid; and this validity can be comparatively easily ascertained by the number of years "tirwajasty" or water-rate has been levied upon the fields in question.

8. But the matter is very different as regards transfers from "wet" to "dry;" and in these cases the ryots will cling to what they deem their inalienable rights with much pertinacity. Thus in Chingleput, owing to the system already described, a ryot holding "wet" lands does not, in many instances, receive a really decent supply from the tank above once in four or five years; and as he gets, or concludes he will get, his assessment remitted under "Shavy" or "Dittum Bunzer," for the years of failure, he is in no mood to give up anything or to alter anything.

9. To put a stop to this practice, and to prevent difficulties arising from consent being withheld in reasonable cases, the Board† propose that when the ryot declines to accept the transfer, remission will not be given upon these lands when the water-supply fails. This is no doubt a summary and successful way of meeting the question, but it would, I think, hardly do to lay this down authoritatively as a hard and fast rule, as it is at variance with all established views, and might hereafter lead to considerable trouble and trickery as to which lands were really consent "refused," and which were not. With very keen revenue-officers this ordinance might be tantamount to the almost total extinction of remissions under "Wet waste in puttas." I think, however, this alternative might be held "*in terrorum*" by the Collector over those ryots who had no grounds for withholding consent, as he could act up to

† *Vide* paragraph 6, Board's Proceedings dated 4th July 1871.

Proceedings of the Madras Government, Revenue Department,
29th November 1872.

his threat or not, as he liked; and there would be an opportunity for appeal to the Board if the penalty were exacted.

10. Connected with the question of consent is the consideration whether the ryot would have grounds for a Civil Action in the case of the transfer being made in spite of his remonstrance. The Revenue authorities would have in the first place good evidence to adduce as to the correctness and fairness of the measure. Again the ryot could not plead loss, owing to the fact of his no longer receiving remission on account of "wet waste in his putta," now that his land has been transferred to dry; such remissions being an act of leniency on the part of the State, of which the Courts could not take cognizance. On the other hand, if the ryot could prove that the recent exclusion of his land from the category of wet had simultaneously excluded him from his hitherto unquestioned right to water, an action would doubtless lie. The mere fact of transfer might not in itself practically cut off the water hitherto received, unless accompanied by an order that the newly arranged wet ayakut alone was entitled to the supply, as without such prohibition and restriction the ryot, whose fields had been lately transferred to dry, would very probably, in unusually good seasons, manage to obtain his exceptional supply as heretofore. The following course would meet the legal difficulty, but then it would fail to carry out completely the object of Government in re-arranging and circumscribing the area to be irrigated. If, as proposed by Mr. Garstin, in the case of those who *did* consent to the transfer we charge those who did *not* consent the old wet rate whenever they happen to raise a wet crop, they could not make out any case of real loss or damage; the wet waste remission question being one, as beforestated, beyond the Court's recognition. Similarly, the same course might be pursued in the case of districts newly settled, as the corresponding wet rate, as shown by the table of conversion, might be charged when these lands newly brought under the category of "dry" happened to obtain water for a "wet" crop. It is true this would involve scrutiny and inquiry, and might give rise to petty frauds by ryots taking water surreptitiously for their dry crops; but these contingencies occur when charging water-rate or "tirwajasty," as would be done if the consolidated wet assessment were not demanded in these exceptional cases.

11. Except in the case of Service Inams hereafter to be enfranchised, it would be perhaps best not to interfere with these properties,* as they have been dealt with by the Inam Commissioner, and the less the title-deeds are touched the better. Those Inams, the quit-rent of which has been settled on dry assessment, should of course pay the usual tirwajasty when irrigated, and, as far as I have seen, there must be remarkably few cases where dry Inams have been settled at wet rates, although many of the exactly opposite description. It would not do therefore to let Inamdars now begin to plead that their quit-rent was unfairly fixed at wet assessment, or the stock of already existing unduly low enfranchisements would be considerably added to.

Vide paragraph 9 of Proceedings above quoted.

12. There is no doubt much truth in what Mr. Rundall says in paragraph 14, as to the advisability of this measure being carried out mainly by the Settlement Department; but as the rules hereafter to be laid down by the Board will, of course, be adopted by us, thus making the procedure uniform throughout, there

seems nothing to prevent Collectors from executing the task in those districts not likely soon to come under Settlement, or where the necessity for the introduction of the changes is both immediate and obvious.

ENCLOSURE No. 1.

From C. RUNDALL, Esq., Deputy-Director of Revenue Settlement, Nellore and North Arcot, to the Acting Director of Revenue Settlement, dated Chittoor, 12th February 1872, No. 111-40.

I HAVE the honour to acknowledge the receipt of your Proceedings marginally noted, the first requesting me to submit any remarks that may occur to me upon the proposals contained in the Board's Proceedings of the 4th July, No. 2,689; and the second requesting me, in submitting the same, to embody full particulars as to the measures adopted in revising the registered wet area in the Nellore District, as required by the Board's Proceedings of the 27th November, No. 4,318.

No. 1,425-254, dated 19th July, and No. 2,387-426, dated 28th November 1871.

2. I will first refer to the latter question. The measure was originally initiated by Mr. Dykes when the Settlement of the district was being carried on under his orders, as explained at paragraph 134 of my Settlement Report. It extended to a regular revision of the whole of the area registered as wet (ayacut) and all other land irrigated, but not so registered. The changes that appeared to the classifiers essential on their examination of the different fields were duly recorded in certain prescribed forms which were printed. The first form showed the changes that were proposed from wet to dry and from dry to wet; the reasons for the transfers advocated being assigned under the remarks entered against each number in the Classification Registers. The second recorded the numbers and area that, in the opinion of the classifier upon his examination, should hereafter comprise the registered wet area (ayacut) of the several sources of irrigation appertaining to the village. These two statements were furnished to the Tahsildars, and their recommendations were based on them in a great measure. Statements were drawn up showing, first, in the consecutive order of the numbers, the registered wet area, and afterwards the registered dry numbers under irrigation from the source, and paying water-rate, or other numbers that it was deemed desirable to add to the registered wet area. Copies of the demarcation sketches showing the numbers appertaining to irrigation, with the changes denoted thereon by symbols, accompanied the statements, and showed the position of the fields which might be proposed for transfer. To secure uniformity as regards preparation a Settlement Gumasta was deputed to each taluq. One or two taluqs only be done at a time to compile the proposals under the Tahsildar's orders in conjunction with the Village Curnam and authorities. Where requisite the ground was further examined by the Tahsildars or by the Revenue Inspectors. The following was the form in which the proposals were embodied:—

Source of Irrigation and Details and Average of Cultivation during past Years.	Ayakut by present Amount.		Cultivated Area in Fasli 1280.					Transfers proposed.		Area to be confirmed under Wet.	
			Under Paddy.		Other Crops.						
	Nos.	Area.	Ayakut Area.	Area under Tirwajasty.	Ayakut Area.	Area under Tirwajasty.	Total.	From Wet to Dry.	From Dry to Wet.	Nos.	Area.
1	2		3	4	5	6	7	8	9	10	
		A. C.	A. C.	A. C.	A. C.	A. C.	A. C.	A. C.	A. C.		A. C.

3. Under other crops, columns 5 and 6, only those matured with the aid of irrigation were inserted, any purely dry crops being specified by the remarks and omitted from the above columns. As regards the numbers which the Statement might show to have been irrigated, the year or fasli to which the details entered might relate—invariably the preceding year—no further inquiry was deemed to be necessary, such numbers being regarded as fully practicable of irrigation for the future. Attention was therefore given to the numbers which the Statements thus prepared might show not to have been irrigated, and particulars as to the past cultivation or irrigation were recorded against all such numbers. Thus completed, the statement showed the past irrigation under the source for at least six years, generally seven or eight; particulars as to the fields cultivated for the year to which the details might apply; the changes from wet and dry and dry to wet, which might be recommended by the Tahsildar; and, finally, the numbers and area which it might be proposed to retain as the registered wet area (ayakut.)

4. After being rendered to this office the Statements were checked and prepared for my inspection, and whilst on circuit in the taluq to which the proposals might refer I went through the whole details for each village, with the Curnam in attendance to afford information on all necessary points; the past history of each uncultivated number, where the record might be deficient, having been previously inserted from the Curnam's accounts. Such numbers as the record might thus show to be occasionally irrigated in years when the tank received a fair supply were left unchanged; whilst those which might be rendered as waste and appear from the investigation to be seldom or rarely irrigated, or might be generally under dry cultivation, were transferred to dry, provided, in the latter instance, that the ryot consented to the change. If occasionally irrigation was practicable, and the field might be cultivated with dry crops, or with *quasi* dry crops requiring to be so regarded, the change was only effected with the consent of the occupant. If the ryot objected—and they often show great reluctance to change land thus circumstanced and cultivated—the number was retained as wet. It was deemed undesirable to go contrary to the wishes of the occupants in cases where the interests of Government were furthered rather than otherwise, by confirming the area as wet. Where the land may have been waste for a long series of years, or had always been so kept by the occupant, and Government may have been precluded from realizing any revenue at all therefrom, either by irrigation being impracticable or the area being purposely kept waste by the occupant, the wishes of the parties interested were not regarded. The area concerned was in such cases changed to dry on the grounds that it had been out of irrigation for a series of years, and generally as well that it was situated unfavourably for irrigation with reference to position, and proved wholly unprofitable to Government. These general principles were applied to tracts rather than to isolated fields, regard being had to the compactness of the registered area after the necessary revision might have been effected. A careful scrutiny of the plan rendered this easy.

5. In the case of transfers from dry to wet the rule applied was that the land had been regularly irrigated for the three immediately preceding seasons, or was being regularly irrigated at the time along with such registered wet land as might adjoin, whenever the latter happened to be irrigated; for the precariousness of the supply under the ordinary tanks or sources of irrigation bars the regular irrigation of even the registered wet area in its entirety each season, and therefore any want of regularity in respect to previous irrigation could not be considered as operating to prevent the transfer of such dry numbers as might be irrigated to an equal extent with the wet area. Where the capability of the irrigation admitted of it land only occasionally irrigated and under water-rate was also altered, but only upon the written approval of the occupant. If the wishes of the occupants were unrecorded or not expressed when the Curnam appeared before me, the settlement of the numbers concerned was deferred, either till the ryots interested appeared, or the Curnam could produce their written acquiescence or disapproval, as the case might be, when the matter was finally disposed of.

6. The general principles which guided the settlement of the measure in Nellore may be summarised as follows :—

(1.) Where wet land may not have been irrigated for a series of years, or where, owing to the high level at which situated, wet land may have been altogether out of cultivation and unprofitable to Government, and the probability of irrigation may have been very slight, the numbers concerned were adjusted to dry irrespective of any wish the occupants may have expressed.

(2.) Where wet land may have generally been under cultivation with dry crops, and the ryots may have acquiesced in the transfer, the lands were changed to dry ; but where, owing to occasional irrigation being practicable, the ryots preferred the land being confirmed as wet, in order that they might retain their right to a supply of water when available, no change was made.

(3.) Where the crops cultivated might be nominally only dry crops, being matured always with the aid of irrigation, they were regarded as wet rather than as dry crops.

(4.) Dry assessed land shown to be irrigated yearly, likewise land regularly irrigated during the three preceding seasons, and also land cultivated with wet crops whenever it might be practicable to irrigate the adjacent wet assessed area, was uniformly adjusted to wet on the ground of the land having, for some time previously, been set apart for wet and regularly irrigated. The consent of the ryot was not regarded as essential in these cases.

(5.) In cases where irrigation may not have been regular, and the land may not have been wholly brought under wet cultivation, but still be occasionally under ordinary dry crops, any change effected was made only with the consent of the occupant.

(6.) Unoccupied area, both wet and dry, was revised according to the capabilities of each source of supply, and the probability of irrigation being impracticable or available hereafter, consideration being given to the state of the tank or source, and the irrigation of past years.

(7.) Changes from wet to dry were effected as regards unoccupied waste, and occupied waste also in some cases, only so far as the land was suitable, and therefore likely to be occupied and cultivated under dry crops hereafter, if adjusted. If, owing to deleterious qualities inherent in the soil, the land proved to be unsuitable for dry cultivation, the object of the revision in such cases ceased to have force.

7. The results of the proposed measure for each source of irrigation and village thus considered were next embodied in an abstract statement showing, first, the Tahsildars' recommendations ; secondly, the results of my amended proposals, and also the total result of the proposed changes for the whole taluq. Any important or doubtful changes were left for consideration with the Collector. These abstract statements for each taluq were then gone through by the Collector in consultation with myself ; and where the modifications might be extensive, they were explained in detail by reference to the Village Statements and Plans, and further modified or confirmed as the Collector might deem requisite. The following is the form of abstract adopted:—

Abstract showing the proposed transfers and changes to the irrigable area of the Villages of the Taluq.

Villages and source of supply.	Average cultivation of last five years.	Ayakut.			Transfer from Wet to Dry.			Transfer from Dry to Wet.			Area to be finally confirmed under Wet Assessment.		
		Nos.	Acres.		Nos.	Acres.		Nos.	Acres.		Nos.	Acres.	
			A.	C.		A.	C.		A.	C.		A.	C.

8. As thus settled, the original Abstracts were finally modified and corrected and then furnished to the Collector, along with detail Lists, showing the survey numbers and area confirmed under each source of irrigation, prepared separately for each village. The latter were furnished

to the Taluq authorities through the Collector for guidance, in disposing of applications for land as wet, and for copies to be taken by the Village Curnams. The actual changes as regards the assessment of the land in occupation were left to be effected at the time of the introduction of the new settlement, after the proposed transfers may have received the approval of the Board. Full particulars are to be found at paragraphs 136 to 138 of the Principal Division Settlement Report of Nellore, and appendices therewith submitted.

9. From the foregoing details it will be evident to the Board that due regard has been paid to the prescriptive rights of the ryots, wherever land may have been held with the object and intention of the land being irrigated and cultivated with wet crops when practicable. The right of the ryot to hold as wet, land he may be cultivating as dry, even if water can but seldom be obtained, has been respected ; and such land has been left as wet or transferred to dry, only in conformity with the expressed wish of the occupant or interested party. On the other hand, land which the ryots may have taken up or be holding with the purpose of claiming an increased proportion of their other wet land, being irrigated in years when the tank supply may be partial, as explained at paragraph 133 of my Settlement Report, has been adjusted to dry ; also, land which not being irrigated or practicable of being supplied, evidently appeared to be retained by the ryots in their puttas as pasturage with the object of evading the payment of assessment—enquiry tending to show that the assessment had, with few exceptions, been remitted yearly.

10. For lands thus adjusted to dry from wet, no particular hard and fast rule was observed ; but each question of the sort was disposed of on its merits, after full enquiry into any past irrigation, the length of period irrigation may have ceased, and the cause.

11. But few references were made to the Department Public Works only in cases where it might be doubtful if land from its position was practicable of irrigation or otherwise. The future capabilities of each source of supply were judged and decided upon, with reference to the past history of its irrigation, in years when the tank or channel may have fairly filled, or have been supplied. The area previously irrigated was consulted for this purpose ; and inasmuch as the area recorded against each number in the Statements, prepared for Nellore, was by survey, and the whole proposals were based on Survey areas in making the comparison, a margin was allowed, above and beyond what the Revenue Accounts might record the irrigation of previous years to have been, in order to take into account the increase of area invariably accruing by survey. If the revision happened to be based solely on the revenue areas, no such allowance or consideration would be necessary.

12. The above course I regard as far more practicable for gauging the capabilities of each tank, with a view to a revision of the area, than that detailed by the Collector of South Arcot, in his draft Circular, forwarded with the Board's Proceedings of the 27th November last, No. 4,318. The experience recorded and to hand, in respect to past irrigation, must necessarily be a more valuable guide than an intricate calculation as to the contents of a tank when full, and the number of times it may be likely to fill each year. Such calculations might be of use in the case of tanks regularly fed and filled each year from river channels, but would hardly avail in the case of tanks dependent solely on rain, and more or less precariously fed, as most rain-fed tanks are liable to be. Any estimate as to the average number of times that a supply may be received into a tank, and the average quantity of water each supply may comprize, must necessarily be liable to considerable error, and be very misleading in some instances. It involves calculations that may be regarded as more likely to confuse than aid a Tahsildar in carrying out the revision of the registered wet area.

13. The foregoing fully recounts the information required by the Board as to the measures adopted in Nellore for the revision of the registered wet area. I will now offer, as desred, a few remarks on the proposals of the Board for carrying out the revision of the wet area, contained in Proceedings of the 4th July last, No. 2,689,

Board's Proceedings, 10th October 1870, No. 6,048.

I observe that in recommending for the approval of Government, the advisability of revising periodically the registered area (Ayakut) of all important tanks, the Board of Revenue refer to the area being increased or decreased according to the

circumstances and capacity of the work. The proposal of the Collector of Cuddapah as published in the Gazette of that District, under date, the 29th April 1871, and the Board's review thereon, which forms the first of the Proceedings above quoted, refer wholly to adjustments which may be necessary from the wet to the dry assessed area, and do not provide for any adjustment to wet of the dry assessed area, now being regularly irrigated and paying water-rate. The Draft Circular submitted by the Collector of South Arcot, similarly restricts the revision to the reduction of the existing wet registered area. The proposals consequently require to be regarded as only a partial measure of revision and not sufficiently complete or comprehensive to place the registered wet area of each tank on a satisfactory basis as regards present capabilities. In giving effect to the proposals thus drawn up, and settling what should hereafter be the registered wet area, consideration must necessarily be had as well to dry lands now being regularly irrigated and under water-rate. The directions should be complete in this respect, and the forms prescribed should, I consider, provide for dry assessed land already converted to wet as regards cultivation, being added to the registered wet area.

14. As remarked by Government, the operations should certainly form part of every general revision of assessment of a district, and I am of opinion it should be undertaken by the Settlement Officer in conjunction with the Collector. For the purpose of classification, each wet field must necessarily be gone over by our Classifiers and, unless specially provided for, a similar opportunity of instituting a thorough examination of the wet area of each source of irrigation is not likely to occur. The ordinary Revenue Establishments could not well, without interfering with their regular duties, which of late years have been greatly augmented, undertake as searching an investigation as circumstances require ; or record particulars as fully as the classifiers can do. The previously prepared demarcation plans, which the classifiers have with them, materially facilitate the investigation. By assigning the operation regularly to the Settlement Department, uniformity of action and treatment in carrying out the measure in each taluq would be secured, for the proposals would be initiated by classifiers, well experienced as to the necessity for revising the wet area of the numerous irrigation works, and therefore eminently fitted to be entrusted with the duty. Moreover, they would carry their experience with them from one taluq to another. Their proposals would be the basis of the recommendations made by the responsible Revenue officer the Tahsildar, who would promptly be able to state by inspection of the ground, whether the transfers advocated might rest on good and sufficient reasons. The statements which the Tahsildar might submit, embodying his proposals could best be scrutinized by the Settlement Officer, and after being amended or confirmed, finally settled in consultation with the Collector. The Settlement Officer, when moving through all parts of the taluq, and personally examining the wet area of a good many of the tanks, has also opportunities of acquainting himself with the necessity for the revision which the classifiers may in the first instance propose, and can satisfy himself as to the correctness of the same. The opinion of the villagers and wishes of the ryots can also be ascertained.

15. I would therefore advocate that the operation be regularly entrusted to the Settlement Department to be carried out in the above manner, and under such rules as the Board may eventually prescribe, and form part of the duties of the department in all districts which may now be under classification, or may hereafter be taken in hand. In settled districts, and in others in which classification operations may have been completed, as regards all or most taluqs, the revision might be conducted by the Revenue Officers, and should embrace the consideration of all requisite transfers from the dry to the wet registered area, as well as from wet to dry. Cuddapah would thus require to be dealt with. In districts, circumstanced like South Arcot, which has yet for the most part to be taken up for Survey and Settlement, the better course would be, I consider to introduce a partial revision only for the present. The measure should extend to all lands which may not have been irrigated or cultivated at all during the past five years, and to land generally under dry cultivation during the same period. Details of all such fields for the past ten years could be easily embodied in a Tabular Statement, which should first shew in the lump,

Proceedings of the Madras Government, Revenue Department,
29th November 1872.

particulars as to area of fields irrigated during the past five years, the unirrigated fields being specified afterwards. Upon a consideration of the statements which would thus be compiled and submitted by the Tahsildar, the necessity for amendment could be decided on, and the question of each unirrigated field disposed of on its own merits. It would be necessary as well for the area yearly irrigated during the previous ten seasons, to be recorded on the statement, to enable the past capabilities of the source in respect to the area irrigated, to be fairly considered.

16. All proposals should be accompanied by plans, showing the position of the fields with reference to the wet registered area under irrigation, and whether adjacent to dry land. The revision should be restricted to tracts of fields as far as possible, and isolated fields in the midst of the wet area under irrigation ; either regularly or now and again details being fully recorded ; should not, as a rule, be disturbed, but left wet as at present. The lie of the land might also be judged of by having the details recorded against each field as to the lowest level at which the tank supply can flow to the land. The entry of one-third, one-half, or three-quarters, as the case may be, would suffice for this purpose.

17. As regards this district, I have the honor to suggest that, save where immediate revision of the registered wet area may appear to the Divisional Officers to be urgently called for, the introduction of the measure be deferred, and carried out simultaneously with the classification, as undertaken for each taluq. The operation requires special care in this district ; for, so far as we have yet gone, there is abundant testimony of great need of adjustment, not only of the existing registered wet area, but also of such lands as may formerly have belonged thereto, and which, in the revision made in conformity with the

No 641, dated 26th January 1866. Board's Proceedings, marginally noted, have

been adjusted either as well lands (puttadar patchal) or as unirrigable wet (nunjah) to dry assessment. A careful examination and scrutiny of the circumstances of the supply of the whole of these lands is essential.

18. There is another aspect from which the revision of the registered wet area requires to be viewed in this district. I allude to changes from single to double crop and *vice versa*. These should be embodied in the general revision undertaken by this department, and I request that the approval of the Board to the extension of the revision to the classification of the wet area, may be solicited.

19. Adverting to paragraph 6 of the Board's Proceedings of the 4th July last, No. 2,689, there was no understanding in Nellore with the ryots concerned, that all remissions would be withheld in the event of deficiency of supply to lands left waste, but which the ryots may have had the option of having transferred to dry at the revision of the registered wet area, and have declined. Any penalty which might thus be ordered would, I fear, generally have little force, but be evaded in the end, owing to the Settling Officer at Jamabandi being unable to discern or identify the fields which ought thus to be refused remission, unless great care were taken to place the details beyond doubt or chance of being overlooked. The course adopted in Nellore, though differing in this respect, as will be gathered from what has already been recorded, will, I trust, meet with the approval of the Board. I would still advocate that some latitude be allowed to the officer who may carry out the revision as regards all land that may have been waste and not irrigated during the past ten years, or at all since occupied ; and permission be accorded to adjust all such lands to dry irrespective of the consent or otherwise of the Puttadar.

20. With reference to the remarks of the Collector of Salem, at paragraph 5 of his letter, printed with the Board's Proceedings of 9th January, No. 62, communicated under date, the 22nd ultimo, No. 101-18, I fail to see that in cases of the nature just referred to, we are restricted merely to changing land from wet to dry, when the ryot may consent. I maintain we have the right to change and to assess the land as dry where advantage cannot or has not for a series of years been taken of a Government source of supply for irrigation. If the occupant may for a series of years have failed to avail himself, or exercise his right to a supply of water from a Government source, he is certainly no sufferer in respect to such right, by the land being revised

to dry, and so assessed for the future. Pecuniarily the occupant suffers no doubt, for he will have hereafter to pay the just dues of Government which heretofore he has generally evaded; but the consideration of this point is not necessary.

21. There is yet another question for consideration, in connection with the revision of the wet area, that has already arisen in this district. In his Circular of 25th April 1871, the Collector of Cuddapah, specifies at paragraph 17, that the instructions laid down apply to all Government and Dasabandam tanks, but some of the Dasabandamdars of this district are protesting against any revision being made to the registered wet area (Ayakut) of their Dasabandam tanks. The Dasabandam system in force in some cases in Chendragiri appears to be quite exceptional, and to materially concern the Dasabandamdars; for their liability varies according to the extent of the total registered wet area (Ayakut), both Dasabandam Inam and Government area, that may be yearly cultivated. It appears that they are only entitled to hold free a proportion of the actual cultivation under the total registered wet area (Ayakut), which, according to the nature of the terms on which held, is either one-fourth or one-fifth of the actual cultivation. For example, suppose the total registered wet area of a Dasabandam tank is 30 acres, 10 acres of which comprise the Dasabandam Inam, and 20 acres the Government area, assessed at wet rates. In the event of the whole 30 acres being cultivated, the Dasabandamdars are entitled to have one-fourth of the Inam area or 7½ acres, allowed them without further charge; the remaining portion of the Inam, or 2½ acres, being chargeable at the fixed wet rates for the Government land, which for this purpose may be reckoned at Rupees 6, per acre, minus the Jodi charged on the Inam which may be taken at Rupees 10. The assessment on the 2½ acres would thus be Rupees 15, less the amount of the Jodi; or Rupees 15—10=Rupees 5, which represents the liability of the Dasabandamdars in years when the registered wet area might be fully cultivated. If the area cultivated was altogether 12 of the 30 acres, including either the whole or part of the Dasabandam Inam area, then, one fourth of the cultivation would be only 3 acres, and the Dasabandamdars would be liable for 7 acres of their Inam to be fully assessed, or 7 × 6=Rupees 42—Rupees 10 (the amount of the Jodi)=Rupees 32. The charge is so regulated that the Dasabandamdar's liability increases in proportion as the area cultivated may fall off. Should irrigation from one of these Dasabandam sources be extended to land not appertaining to the registered wet area, water-rate is levied by Government, and the Dasabandamdars have no concern therewith, and do not benefit thereby.

22. In the case of these Dasabandam tanks I have ordered the same scrutiny of the registered wet area to be undertaken by the classifiers; as for other tanks and any necessary change in respect thereto to be proposed and recorded as usual. I have as well intimated to the Dasabandamdars that they are at liberty to prefer their objections when I take up and consider the question of the tanks they are interested in, due notice of which will be given to them.

23. As yet I have not sufficient acquaintance with these Dasabandam tanks to make any recommendation regarding them, but consider that it will probably be found impracticable to effect any amendment at all to the registered wet area of such peculiarly circumstanced sources of irrigation. I will hereafter report more fully on the subject.

24. In carrying out the revision of the registered wet area in Nellore the measure was not extended to Inams, but confined solely to Government lands (Sircar). At paragraph 192 of the Settlement Report for the Principal Division of Nellore I have recommended for the approval of the Board that Service Inams no longer irrigable be adjusted to dry prior to enfranchisement. Whilst Service Inams should, I consider, be treated in any revision of the wet registered area along with ordinary assessed lands, it would, I think, be preferable to confine any revision in respect to ordinary Inams, solely to sources that may have become wholly unserviceable and be ruined; the Government area appertaining to which may already, or during the contemplated revision, be adjusted to dry, the consent of the Inamdar being essential in all cases. The quit-rent on Inams is generally so moderate that I regard it as undesirable to disturb the existing classification of Inams as to wet and dry in all cases where there may be the least probability of irrigation being practicable hereafter, though not at present, or where the Inams may adjoin in any way wet assessed land.

25. I believe the Board of Revenue long ago refused to allow the adjustment to dry, of Inams enfranchised at garden rates of assessment (bagayat) in Cuddapah. Other districts are similarly circumstanced I conclude, and the extension of the revision of the registered wet area to Inams generally would necessitate the adjustment of all Inams formerly registered as garden (bagayat) to dry, and the modification of the quit-rent already imposed by the Inam Commissioner.

26. The draft Circular submitted to the Board by the Collector of South Arcot, and received with Proceedings of the 27th November, No. 4,318, is herewith returned.

In their Order of the 27th January 1871, No. 181, Government approved of a revision of the Registers of "wet" land, so as to exclude land which cannot be supplied with water. The revision, it was remarked, must form part of the work of the Settlement Department in districts where they find it has not been done; but Collectors were authorized to revise the registry under the orders of the Board, without waiting for the general revision of the Settlement Department.

2. The officers of the Public Works Department were to assist in ascertaining what quantity of land each irrigation work could supply with water, Tahsildars were to inspect all localities where an alteration in the registry was proposed, and divisional officers when the alteration was important, and Tahsildars were to be held personally responsible for their proposals as regarded individual puttadars.

3. In April 1871 the Collector of Cuddapah issued a Circular to Tahsildars on this subject. In addition to the instructions already cited he ordered that land not cultivated with "wet" crops for four years out of the last ten should be classed as "dry," that even if land had been cultivated with "wet" crops oftener, and it appeared that such land had been supplied with water at the expense of land to which the water would flow more easily, it should be registered as "dry," that the revision should proceed irrespective of the consideration whether the land was Government land or Inam, that Inam quit-rents might be reduced with reference to any alteration in the registry if the Inamdars liked, and that lands newly registered as "dry" should be rated at the average "dry" rate of the village and pay tirvahjasti when supplied with water.

4. In reviewing this Circular the Board observed that the rule that land not supplied with water for four years out of ten should be treated as "dry" was too inelastic, and were inclined to say that land should not be transferred from "wet" to "dry" without the consent of the owner, but that if the consent were refused remission should not afterwards be allowed on account of insufficiency of water. They considered that the officers of the Public Works Department should be consulted in all cases of importance.

5. In October the Collector of South Arcot submitted for approval a draft Circular on the same subject. The points on which he adds to the instructions of Government are as follow:—Divisional officers are to inspect localities where the revision proposed by the Tahsildars exceeds 10 per cent. of the registered ayacut. Fields on which remission has been granted for six years out of the last ten ought to be registered as "dry." If the owners consent to change the registry they will be charged the old "wet" assessment when supplied with water: if they refuse the registry will not be altered, but no remission will afterwards be granted for insufficient supply, and when the supply fails altogether the "dry" rate will

be charged. The " dry" rate charged pending the general Settlement will be the average dry rate of the village. Inam lands are only to be revised with the Inamdar's consent: if they are thus transferred from " wet" to " dry" the quit-rent will be reduced, except in years when there is a supply of water, when the old quit-rent will be charged. Water is not to be supplied to " dry" lands until the " wet" are supplied. The ayacut of each tank must be calculated with the assistance of the Public Works Department on a consideration of the capacity of the tank, the number of times it generally fills, and the ascertained quantity of water required to irrigate an acre.

6. Before disposing of this draft Circular the Board called on the Director of Revenue Settlement for report, and the result is the full discussion contained in the letters from Mr. Banbury and Mr. Rundall which are printed at the head of these Proceedings.

7. In Nellore the revision of the registry has been elaborate and complete, involving changes from " dry" to " wet" as well as from " wet" to " dry." A similarly complete revision must form an essential part of the work of the Settlement Department everywhere, but in districts where that department is not at work, and where therefore the Collectors have not the means of ensuring accuracy in doubtful cases the revision need not extend to the transfer from " dry" to " wet" in any case, nor to the transfer from " wet" to " dry" in cases where the necessity of the transfer is not demonstrable.

8. The Board will first point out three considerations which must influence the revision whether conducted by the Settlement Department or by Collectors.

(1.) The principle kept always in view must be that the area which Government can ordinarily supply with water shall be registered as " wet" and all the rest as " dry." This is a question of fact, and on re-consideration the Board are of opinion that the " consent" of the land-holders is immaterial. If land can be supplied with water it is " *wet*" land: if not it is " *dry*" land. Nor can the consent of the owners be forced by withholding remissions, for this course would throw too much power into the hands of the Curnams, and would be inconsistent with the general rule that the Government revenue being a commuted share of the crop, it cannot be collected when a crop is not grown because of want of water. On the other hand a mere change in the registry will not deprive a land-holder of any prescriptive right to water which he may have obtained whilst his land was classed as " wet." After the change is made the land will still be entitled to water in an exceptional year in the same way as it was before if he chooses to take it, but in that year the owner will pay the " dry" rate *plus* a water-rate, instead of a " wet" rate, whilst in all other years he will pay a " dry" rate instead of *nothing*.

(2.) Frequent reference must be made to the officers of the Public Works Department. The public accounts showing what " wet" fields have lain waste for want of water are of the greatest practical value, but they are sometimes untrustworthy, where, for instance, single crops or second crops have been concealed through the corruption or carelessness of the Curnam. The Board believe it will be found in some cases that the engineers will be able to show that the supply of water has been far more than sufficient for the wet cultivation which

Proceedings of the Madras Government, Revenue Department,
29th November 1872.

appears in the accounts. In other cases it may be that the insufficiency of supply for certain fields may be removed by new sluices or repairs. The Board must leave it to the discretion of the Collectors and the Settement officers to determine when to consult the engineers, but they must not be slow to do so.

(3.) The revision must not include Inams, which have been finally settled already.

9. Subject to these principles the Director of Revenue Settlement will be requested to issue instructions to his officers as to the manner in which their revision is to be effected.

10. In districts where the Settlement Department is at work, such as Salem, Nellore, Chingleput, and North Arcot, the revision may be entirely left to that department; but in Cuddapah, where immediate relief is necessary, a rough revision must be once undertaken on the principles hereinafter laid down.

11. In districts where the Settlement Department has finished its work, such as Trichinopoly, Kistna, Godavery, and some taluqs of Kurnool, the Collectors will be good enough to ascertain and report whether any extensive revision of the ayacuts is necessary. If so, the Director of Revenue Settlement will be requested to aid by detaching small parties to the districts and seeing, in conjunction with the Collectors, that proper principles and methods are adopted.

12. The Director of Revenue Settlement will be requested to submit a complete list of the districts or isolated taluqs to which the two preceding paragraphs

13. In Tinnevelly the complete revision will be performed under the Collector who is conducting the Settlement.

14. In all other districts where a revision of ayacuts is necessary, the Collectors will issue instructions to their Tahsildars founded on the following rules but adapted to the special characteristics of the several districts.

15. The revision of the ayacut will be restricted to Government land and to transfers from " wet" to " dry."

16. The Tahsildars will first prepare and submit to the divisional officers a complete list of the tanks and channels in their taluqs, showing first the works whose ayacut needs revision arranged according to the extent of the revision required and the necessity for commencing it speedily, and second a list of the works whose ayacut does not need revision.

17. Tahsildars will then deal with the works whose ayacut needs revision in the order in which they appear in the list. A statement will be prepared showing the total area irrigated for one and two crops during the last ten years. The fields in the ayacut which being occupied have not produced wet crops for five years, or being unoccupied have been so situated that irrigation was impossible during the five years will be enumerated *seriatim*. Opposite each field the Tahsildar will state his opinion regarding the transfer and his reasons for it and those of the village officers. In the case of occupied fields the opinion of the occupants will also be given. The report must be accompanied by a map showing the ayacut divided into properly numbered fields, " wet" fields which being occupied have been irrigated once at least during the last five years, " wet" fields which being occupied have not produced " wet" crops during the last five years, " wet"

fields which being unoccupied have not been in a position to be irrigated for five years, and "dry" fields either interspersed in the ayacut or bordering it will be shown in different colours.

18. In all cases before preparing these documents the Tahsildar will inspect the locality. He will be held strictly responsible for any errors or omissions in his report. Partiality to individuals will be most severely punished.

19. When the transfers proposed amount to 10 per cent. of the ayacut or more, the divisional officer will inspect the locality, taking with him the Tahsildar's report and map.

20. Divisional officers will transmit the report and map with their opinion to the Collector.

21. The Collector will submit his orders thereon for the sanction of the Board. Till the sanction is obtained the Collector's orders must not be carried into effect.

22. At all stages of the inquiry the Tahsildar, the divisional officer, or the Collector will consult the officers of the Public Works Department whenever it seems advisable to them to do so.

23. The "dry" rate imposed on the transferred land will be (pending any general revision of the Settlement) the average "dry" rate of the village.

24. When any of the occupied fields which are transferred from "wet" to "dry" have previously enjoyed a right to water under exceptional circumstances, [illegible] that right after the transfer, but when they are irrigated the owners will pay the usual water-rate in addition to the "dry" rate.

No. 216. ORDER THEREON, 29th November 1872, No. 1,628.

Land Revenue.	APPROVED.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.
,, the Director of Revenue Settlement.

Exd. F. R. Banteman.

viz. Bds Pro
10 May 1872
No. 746
revision of Tank Ayacuts
November 23. 1872.

My dear Carmichael,

Lord Hobart has just
+ handed me the accompanying papers
& asked me to return them
to say that he meant to have
done so sometime ago.

Yours sincerely,
Phil. Cork.