M.R.O. 1—77,000—8-6-37.

(1) Number of pages 22

(2) Date of repair 12-9-40

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1046 (172-174) Press Mis.

Dated 19-8- 1874

Not to be folded or roughly handled

No. 1,831.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 15th July 1874.

Read the following letter from G. D. LEMAN, Esq., Collector of the Kistna District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Masulipatam, 29th May 1874, No. 926 :—

WITH reference to the Proceedings of the Board of Revenue, No. 482, dated 31st March 1873, I have the honor to reply that, in the delta, field channels alone are cleared by the villagers. A few cases are reported, where the larger channels have been done by them, but it is uncommon; and if the expense is great (for the ryots will not do such work themselves) it is always done by the Department Public Works.

2. The regulation of the water-supply in the channels is always by the Department Public Works. Sometimes the delta Gumastas also arrange disputes about turns among the villagers; but as a rule once the water gets into the field channels, the villagers manage the distribution; and there is no fighting save when water is very scarce, or a ryot, very cantankerous.

3. There are no Nirguntees in any of the delta villages, and as we have got on so long without them, I do not think them necessary now. They would be of no special use in either of the two cases mentioned. The Munsif always has his Mohatad and Vettyans to assist him in such matters.

4. In regard to paragraph 1 of G. O., dated 5th March 1873, No. 713, Public Works Department, asking when the channels can be made over, I would notice that they require constant clearing, and many of them have been neglected for some years. As the duty of keeping them clear has for so long been accepted by Department Public Works, I think that only the channels, that are certified to be clear and in really good working order, should be given over, and [illegible] should be done in a formal [illegible] in office of the Department Public Works, [illegible] to the head people [illegible] charge the whole piece they are in future responsible [illegible] channels should be first [illegible] Government [illegible], before the duty is thrown [illegible] the villagers.

5. In regard to the new Water-tax Rules, giving the option to ryots of taking or refusing water, I think Government must strengthen the hands of the Collector of this district, and of the ryots themselves, or much trouble may arise.

6. The ryots should have some means given them of compelling all the members of the village to do or pay for their quota of work. It is sometimes the case that a section of the villagers would work, may be, because their lands are so situate that unless the channels are fully efficient they suffer, while those whose lands are situate on such a level that the channel, even when full of silt, still gives them a sufficiency, will not, for the very obvious reason that, if they hold out, it is likely that the others will do what is necessary at no expense to themselves. The system, that has been introduced into the Kistna, is one of individual responsibility against the old system of joint rents and general responsibility, that first led to such a thing as holding all the villagers jointly responsible for the irrigation works of their village, and there should be no wonder that a man not benefited by a certain work, declines to repair it for the good of another man, with whom he has no interest in common.

7. This is taking a favourable case, however, and we shall find most frequently that the whole village is so apathetic that they will leave the channels alone till, year by year, the silt so accumulates that the expense will be beyond their means; then they will take advantage of the rules and give up water.

8. If the ryots are to have the greatest benefit, and the Government the greatest profit, to be derived from the anicut works, the Collectors must have power to compel their labour.

9. It is not "customary" and therefore not Kudimarammat; but even if it were, I should have to confess my inability to compel work fairly, as long as no penalty attaches to a refusal, and as long as I have not special agency to carry it out.

10. I must, therefore, give my opinion that, until the steps indicated in my paragraph 5 are taken, both Government and the ryots are likely to suffer by the enforcement of the new rules.

SUBMITTED to Government, with reference to G. O., dated 11th March 1873, No. 48.

2. As the case is stated in the Board's Proceedings disposed of in G. O., dated 29th May 1874, No. 651, "the Board are called upon to report—

(1.) From what date the charge of the water supplied to single villages from the moment it quits the regulating sluice can be vested in the village officers, and whether any increase in the number of Nirguntees will be necessary.

(2.) The suggestion of the Chief Engineer for Irrigation that the Collector should keep the District Engineer informed of the areas to be irrigated and that later application for water should be transmitted direct to the Range Officer from the taluq.

(3.) The suggestion of the Chief Engineer for Irrigation, that Government should have the option of ceasing to irrigate any land after giving due notice and make rules as to the terms on which, after irrigation has been relinquished, a subsequent supply may be obtained."

3. The Collector of the Kistna District says nothing about the second and third points, but Government have already decided that the revised Water-tax Rules which are in force in Kistna as well as Godavery, provide for all that the Chief Engineer wants.

4. With regard to the first point, Mr. Leman reports that no Nirguntees will be wanted, that the village channels should be handed over in a formal manner when the Public Works Officers can certify that they are cleared and in good order and not before, that the field channels are already controlled by the villagers, and that an Act will be necessary to enable the Collector to compel the villagers to keep the channels clear whether they are willing or unwilling to do so.

5. The Board are of opinion that the Collector is right in proposing that the channels should first be put into thorough order, and then formally handed over to the villagers, and in thinking that an Act empowering him to compel labor may be necessary, but this last is a general question applicable to all districts, and the transfer in the Kistna District need not be deferred until it has been settled. Much may be done through the influence of Tahsildars and other Revenue officers to induce the villagers to perform the task allotted to them, but the effects of the transfer should be carefully watched. This particular difficulty seems not to have been of sufficient importance to call for notice in the neighbouring district of Godavery.

(A true Copy and Extract.)

J Grose
Secretary.

To the Acting Secretary to Government, Revenue Department.
,, the Collector of the Kistna District.

Copy to the Collector of the Godavery District,

Exd. G. A. Turton.

G.O. 11 dated 23 July 74 - 2372-3.

1/2.

Revenue 1874, September 1/2.

Board of Revenue
MADRAS.

PROCEEDINGS, 15TH JULY 1874, No. 1,831.

Despatch July 24 Encl.

SO 19 August 74 No 1045
Received 20 Sept 74.

JULY.
No. 1,831.

Village and Field channels—of Kistna District.—Report from Collector on certain points connected with control over—and option given to ryots in deltas to take water for irrigation, submitted to Government, with remarks.

For order
Sole

7

3

Leman Sahib's proposals
should be deferred in this matter
It is not the intention that the
State should undertake to clear & keep
clear all the small village water
courses of the Country - in fact all
the farm sitting of the country to clear
Indian village of 300 & 500 acres
is simply a good sized farm -
Under the old Commo
law of the Country this duty devolved
and rightly devolves on the people
who enjoy the benefit of the distri
bution under the Canal - Government
in abandoning a reasonable labor
fund of the Country or Cess
the State drops into obligations
which are unreasonable - I am
advised that the Cess is as popular
as it is reasonable - Nor is any
East land holder [illegible]

FOR ORDERS.

this system of labor is prejudicial to
the area of his cultivation — the settle
la Pandacan & a penalty should attach
& neglect — Dr Simpson refers to
the vote of Mrs. Magoon who represents
the Carib area & comments labor
obligation not an agreeable exer
Mr. desired the Bd of Rev. to
communicate with the Provl
Fiscal & prepare a draft of a
Rule for giving effect to this principle
of abandonment — and the Law
must be continued with proper
& uniform or even country Ladi
encouragement Paid

Robertson

3/0

Council

C 24th July/74

Revenue Department.

C No. 2462.

From Prov. Bd of Rev.

Dated 15th July 1874.

FOR ORDERS.

The arrangement is ne
experimental for one
year. & that channels
as are in pool without
to transferred stones
the transfer of the ten

No. . MINUTE BY THE HON. W. ROBINSON, C.S.I.

I AM satisfied that legislative action should no longer be deferred in this matter. It is not to be tolerated that the State should undertake to clear and keep clear all the small village water-courses of the country; in fact, all the farm ditching of the country; for an Indian village of 300 to 500 acres is simply a good-sized farm.

2. Under the old Common Law of the country this duty devolved, and rightly devolved, on the people who enjoy the benefit of the distribution, and we are not justified in abandoning a reasonable labor fund of the country or in letting the State drift into obligations which are unreasonable. I am satisfied that the thing is as feasible as it is reasonable. Each land-holder should be assessed to his share of labor in proportion to the area of his cultivation, to be settled by a Panchayet, and a penalty should attach to neglect. I would empower villages by the vote of those who represent the larger area to commute labor obligation into an acreable cess.

3. I would direct the Board of Revenue, in communication with the Advocate-General, to prepare a Draft of a Bill for giving effect to this principle of administration and the Law might be combined with provision for enforcing or commuting Kudimeramat in general.

3rd *August* 1874. (Signed) W. ROBINSON.

REVENUE DEPARTMENT.

MINUTE BY THE HON. W. ROBINSON, C.S.I.

I AM satisfied that legislative action should no longer be deferred in this matter. It is not to be tolerated that the State should undertake to clear and keep clear all the small village water-courses of the country—in fact, all its farm ditching; for an Indian village of 300 to 500 acres is simply a good-sized farm.

2. Under the old Common Law of the country this duty devolved, and rightly devolved, on the people who enjoy the benefit of the distribution, and we are not justified in abandoning a most useful and proper labor-fund of the country or in letting the State drift into obligations which are unreasonable and cannot really be fulfilled. I am satisfied that the thing is as feasible as it is reasonable. Each land-holder should be assessed to his share of labor in proportion to the area of his cultivation—the share should be settled by a Panchayet—and a penalty should attach to neglect of the obligation. I would empower villages to commute labor-obligation into an acreable cess by the vote of those who represent the larger area.

3. I would direct the Board of Revenue, in communication with the Advocate-General, to prepare a Draft of a Bill for giving effect to this principle of administration; and the law might be so framed as to combine provision for enforcing, regulating or commuting *Kudimeramat* in general as was proposed by the Public Works Commission which sat in 1869.

3rd August 1874. (Signed) W. ROBINSON.

173

Minute by the Hon. W. Robinson C.S.I.
3rd August 1874 -

G.O. 19 August 1874 No 1046
3 Copies sent to Revenue
Board Admin 3/9.

G.O. 19th August 74 No 1046.

11

Revenue Department.

Minute by the Hon. W. ROBINSON, C.S.I.

I am satisfied that legislative action should no longer be deferred in this matter. It is not to be tolerated that the State should undertake to clear and keep clear all the small village water-courses of the country—in fact, all its farm ditching; for an Indian village of 300 to 500 acres is simply a good-sized farm.

2. Under the old Common Law of the country this duty devolved, and rightly devolved, on the people who enjoy the benefit of the distribution, and we are not justified in abandoning a most useful and proper labor-fund of the country or in letting the State drift into obligations which are unreasonable and cannot really be fulfilled. I am satisfied that the thing is as feasible as it is reasonable. Each land-holder should be assessed to his share of labor in proportion to the area of his cultivation—the share should be settled by a Panchayet—and a penalty should attach to neglect of the obligation. I would empower villages to commute labor-obligation into an acreable cess by the vote of those who represent the larger area.

3. I would direct the Board of Revenue, in communication with the Advocate-General, to prepare a Draft of a Bill for giving effect to this principle of administration; and the Law might be so framed as to combine provision for enforcing, regulating or commuting *Kudimeramat* in general as was proposed by the Public Works Commission which sat in 1869.

(Signed) W. ROBINSON.

3rd August 1874.

FROM CIRCULATION
WITH
ALTERATIONS.

Revenue Department.

№1046.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 10th August 1874

Read the following

Proceedings of the Board of Revenue

Submitting with remarks report from Collector of Kistna Dt on certain points connected with control over village and field channels and option given to ryots in deltas to take water for irrigation.

H.E. 15 July 1874, No 1831.

Minute by the Hon'ble W Robinson (Memo dated 3 Augt 1874)

Minute by The Hon'ble W Robinson — (Memo dated 3 Augt 1874

As in Godavery (G. O. 29 May 1874, №651) the transfer should be made experimental for one year, such channels as are in good order being handed over at once and the remainder as they are cleared out and repaired.

2. His Excellency the Governor in Council is averse

to

to compulsory labour in
any form and cannot
therefore concur in the
Board's recommendation
for such an Act as that
suggested & stated

C. C. C.

To the Board
21 Dec 1918 } D/26/8

G.O.

On Collector's report on certain points connected with control over village and field channels, Kistna Dt.

19

Proceedings of the Madras Government, Revenue Department,
19th August 1874.

No. 172. Read the following Proceedings of the Board of Revenue, dated 15th July 1874, No. 1,831 :—

Read the following letter from G. D. LEMAN, Esq., Collector of the Kistna District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Masulipatam, 29th May 1874, No. 926.

With reference to the Proceedings of the Board of Revenue, No. 482, dated 31st March 1873, I have the honor to reply that, in the delta, field channels alone are cleared by the villagers. A few cases are reported, where the larger channels have been done by them, but it is uncommon ; and if the expense is great (for the ryots will not do such work themselves) it is always done by the Department Public Works.

2. The regulation of the water-supply in the channels is always by the Department Public Works. Sometimes the delta Gumastas also arrange disputes about turns among the villagers ; but as a rule once the water gets into the field channels, the villagers manage the distribution ; and there is no fighting save when water is very scarce, or a ryot, very cantankerous.

3. There are no Nirguntees in any of the delta villages, and as we have got on so long without them, I do not think them necessary now. They would be of no special use in either of the two cases mentioned. The Munsif always has his Mohatad and Vettyans to assist him in such matters.

4. In regard to paragraph 1 of G. O., dated 5th March 1873, No. 713, Public Works Department, asking when the channels can be made over, I would notice that they require constant clearing, and many of them have been neglected for some years. As the duty of keeping them clear has for so long been accepted by Department Public Works, I think that only the channels, that are certified to be clear and in really good working order, should be given over, and that it should be done in a formal manner by an officer of the Department Public Works, who should point out to the head people of the village the whole piece they are in future responsible for, the other channels should be first cleared at Government expense, before the duty is thrown on the villagers.

5. In regard to the new Water-tax Rules, giving the option to ryots of taking or refusing water, I think Government must strengthen the hands of the Collector of this district, and of the ryots themselves, or much trouble may arise.

6. The ryots should have some means given them of compelling all the members of the village to do or pay for their quota of work. It is sometimes the case that a section of the villagers would work, may be, because their lands are so situate that unless the channels are fully efficient they suffer, while those whose lands are situate on such a level that the channel, even when full of silt, still gives them a sufficiency, will not, for the very obvious reason that, if they hold out, it is likely that the others will do what is necessary at no expense to themselves. The system, that has been introduced into the Kistna, is one of individual responsibility against the old system of joint rents and general responsibility, that first led to such a thing as holding all the villagers jointly responsible for the irrigation works of their village, and there should be no wonder that a man not benefited by a certain work, declines to repair it for the good of another man, with whom he has no interest in common.

7. This is taking a favourable case, however, and we shall find most frequently that the whole village is so apathetic that they will leave the channels alone till, year by year, the silt so accumulates that the expense will be beyond their means ; then they will take advantage of the rules and give up water.

8. If the ryots are to have the greatest benefit, and the Government the greatest profit, to be derived from the anicut works, the Collectors must have power to compel their labour.

9. It is not "customary" and therefore not Kudimarammat ; but even if it were, I should have to confess my inability to compel work fairly, as long as no penalty attaches to a refusal, and as long as I have not special agency to carry it out.

10. I must, therefore, give my opinion that, until the steps indicated in my paragraph 5 are taken, both Government and the ryots are likely to suffer by the enforcement of the new rules.

R/21/8/74
D/21/8/743

172-174

Proceedings of the Madras Government, Revenue Department,
19th August 1874.

SUBMITTED to Government, with reference to G. O., dated 11th March 1873, No. 48.

2. As the case is stated in the Board's Proceedings disposed of in G. O., dated 29th May 1874, No. 651, "the Board are called upon to report—

(1.) From what date the charge of the water supplied to single villages from the moment it quits the regulating sluice can be vested in the village officers, and whether any increase in the number of Nirguntees will be necessary.

(2.) The suggestion of the Chief Engineer for Irrigation that the Collector should keep the District Engineer informed of the areas to be irrigated and that later application for water should be transmitted direct to the Range Officer from the taluq.

(3.) The suggestion of the Chief Engineer for Irrigation, that Government should have the option of ceasing to irrigate any land after giving due notice and make rules as to the terms on which, after irrigation has been relinquished, a subsequent supply may be obtained."

3. The Collector of the Kistna District says nothing about the second and third points, but Government have already decided that the revised Water-tax Rules which are in force in Kistna as well as Godavery, provide for all that the Chief Engineer wants.

4. With regard to the first point, Mr. Leman reports that no Nirguntees will be wanted, that the village channels should be handed over in a formal manner when the Public Works Officers can certify that they are cleared and in good order and not before, that the field channels are already controlled by the villagers, and that an Act will be necessary to enable the Collector to compel the villagers to keep the channels clear whether they are willing or unwilling to do so.

5. The Board are of opinion that the Collector is right in proposing that the channels should first be put into thorough order, and then formally handed over to the villagers, and in thinking that an Act empowering him to compel labor may be necessary, but this last is a general question applicable to all districts, and the transfer in the Kistna District need not be deferred until it has been settled. Much may be done through the influence of Tahsildars and other Revenue officers to induce the villagers to perform the task allotted to them, but the effects of the transfer should be carefully watched. This particular difficulty seems not to have been of sufficient importance to call for notice in the neighbouring district of Godavery.

No. 173 MINUTE BY THE HON. W. ROBINSON.
(Here enter 3rd August 1874.)

No. 174. ORDER THEREON, 19th August 1874, No. 1,046.

Irrigation, No. 3.

As in Godavery (G. O., 29th May 1874, No. 651) the transfer should be made experimental for one year, such channels as are in good order being handed over at once and the remainder as they are cleared out and repaired.

2. His Excellency the Governor in Council is averse to compulsory labor in any form, and cannot, therefore, concur in the Board's recommendation that such an Act as that suggested should be passed.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

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

Exd. F. R. Bantleman.

Orig

Govt. of {1874 Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated August 19th.

Read. *Encl.*

G. O., 19th August 1874, No. 1,046.

AUGUST.

No. 172—174.

Village Channels in the Kistna District.—Directing the transfer of the — to the villagers experimentally for one year, such channels as are in good order being handed over at once, and the remainder as they are cleared out and repaired; and remarking that the Government cannot concur in the Board's recommendation that an Act be passed to compel labor.