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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 41
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Dated 7 R. 1824 196 .

Not to be folded or roughly handled

No. 1,920.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd July 1874.

Read the following letter from R. W. BARLOW, Esq., Collector of the Chingleput District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Sydapet, 25th June 1874, No. 292:—

I HAVE the honor, at the instance of the District Engineer, to solicit the instructions of the Board on the somewhat, in my opinion, difficult question, as to how far Section 6, Act I. of 1858, can be enforced regarding the clearing of bunds, where the prickly-pear and overgrowth is heavy—the result of years' accumulations, and the ryots plead consequent inability to do the work.

2. The question is not a new one as regards Colonel Moberly (*vide* paragraph 3 of the Board's Proceedings, No. 1,178, dated 26th February 1863,) and paragraph 4 of Mr. Cunliffe's letter embodied therein, and the state of this district exceptional. My own and the Sub-Collector's opinion is that no hard and fast rule should be laid down, and that the ryots cannot in *all* cases be held responsible for the short- [illegible] in other words, that the general principle, that it *is* [illegible] the ryots to perform such works should be insisted on it; but that when they have been called on to perform the same, and raise objection, each case should be treated on the merits after enquiry; and when, in the opinion of the revenue authorities, the overgrowth is so heavy, as to be beyond the means of the ryots, the clearing should be made an item in the estimate.

3. Colonel Moberly is not satisfied with this view. The question has arisen in practice, the Board will observe, from the correspondence regarding the Tinnanore Tank (*vide* my No. 139* of 1874), and desires that a reference may be made for definite orders. He further insists that the Revenue Department of past years, and not the Department Public Works, are wholly responsible for the present state of things, and that, therefore, if expenditure is to be incurred, it "should be debited to the Revenue and not to the Public Works Department, on whom * * * the responsibility has rested all along."

* Printed in Board's Proceedings, No. 1,325, dated 2nd June 1874.

4. I do not wish to trouble the Board with this last point—as its solution will not help the question—beyond observing that, even if the present state of things be held to be the fault of former Collectors and myself, I do not see why the Department Public Works should object to expend the sums sanctioned for clearing, so as to avoid the necessity for two estimates. I enclose copies of the correspondence that has passed, which show the present aspect of the question.

5. I desire also to state, as the tenor of the District Engineer's correspondence might lead to a different conclusion, that both I and, I believe, my subordinates are doing all we can to induce the ryots to clear their bunds: in the very case which led to this correspondence, this has long since been done; and, though I declined, for the reasons already stated, to issue a general notice in the District Gazette, desiring the ryots to clear in *all* cases, I have in every instance hitherto, when applied to by the Department Public Works, issued strict orders to clear. I have further, at the suggestion of Colonel Moberly, published a Circular in the District Gazette, promising the ryots all undergrowth cleared by them free for firewood as a perquisite. My proposal to the District Engineer was only intended to meet special cases, to avoid raising questions, perhaps, embarrassing to decide.

6. In conclusion, I beg to draw special attention to the tone of the concluding paragraph of Colonel Moberly's No. 917, and last part of paragraph 2 of his No 691, dated 2nd June 1874.

Enclosure No. 1.—Copies of correspondence between the Collector and the District Engineer.

The question submitted for the orders of the Board is stated by the District Engineer, thus: "I have the honor to urge early consideration and decision by the Board of Revenue of the subject of clearing prickly-pear from tank and channel banks as raised by the Jaghiredar of Tinnanore," and, again, "I enclose a list of tanks in Sydapet Taluq, which we cannot make estimates for, owing to the accumulation of bushes, and shall be greatly obliged by your urging the Board of Revenue to pass orders, or obtain them from Government."

2. The Board are not aware what were the exact points dwelt on by the Jaghiredar of Tinnanore, nor can they see what orders are required [illegible] or from Government. As regards the general question, the Collector and Sub-Collector are undoubtedly right in holding that, where the villagers on being directed to clear away overgrowth "object on the score of inability, it is better, if the accumulation is the result of years, to include it in the estimate, and not to try and make a hard and fast rule" that in all such cases, the clearance must be effected by the villagers unaided and compelled, if necessary, under Act I. of 1858.

3. It does not appear that, as yet, the Collector and District Engineer have disagreed in any particular case. The clearance of prickly-pear "just beginning to spread" on the banks of the Kuam and Chingleput Tanks has been effected by the villagers; and so far as the Board can judge, it was precisely such work as ought to be done by the villagers, though the Sub-Collector raised the general principle in writing about it. The orders for clearing the 29 bunds of the tanks referred to by the Executive Engineer of the Mount Range, and the tanks in a list communicated to the Collector by the District Engineer, have been issued, and the result is not stated. If, in any case, the Collector and District Engineer disagree as to whether the clearance should be effected under the "Kudimaramut" or not, the case should be stated and submitted for orders.

4. It would be wasting time again for the Board to notice the District Engineer's views as to the relative responsibility of the Revenue and Public Works Departments and his strange and impracticable notion that the cost of such clearances, if public money has to be spent on them, should be charged to the Revenue Department, instead of to the head under which it must be debited according to rules laid down by the Government of India.

(A true Copy and Extract.)

J Grote

Secretary.

To the Collector of Chingleput.

Copy to the Acting Secretary to Government, Revenue Department.

,, to the District Engineer.

No 939

Revenue 1874. Department

Board of Revenue,

MADRAS.

PROCEEDINGS, 22ND JULY 1874, No. 1,920.

Dept 10 Aug 1874

Encl.

P. IX 7112/74

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JULY.

No. 1,920.

Prickly-pear—on channel banks, etc., in Chingleput District.—Orders passed on letter from Collector requesting instructions as to how far Section 6 of Act I. of 1858 can be enforced in regard to clearing of—

No 41

Recorded