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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1294 Press
~~B.P. No.~~ Mis.

Dated 9. 10. 1874 196 .

Not to be folded or roughly handled

No. 94. Read the following Proceedings of the Board of Revenue, dated 3rd June 1874, No. 1,332 :—

Read again Board's Proceedings, dated 12th February 1874, No. 296.

Read also the following letter from J. HOPE, Esq., Acting Collector of Kurnool, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 27th February 1874, No. 78.

I HAVE the honor to acknowledge the receipt of Board's Proceedings, dated 12th instant, No. 296, passing remarks on my letter, No. 13, dated 9th January, regarding the supply of canal water for second crop cultivation under the Nundial tank.

2. The Board observe that the case has not been "put clearly or completely" before them; and in paragraph 4 they add: "The Collector neither attempts to estimate the volume (of water) supplied, nor shows that it would be impossible to make such an estimate."

3. There was no question before the Board as to the rate at which the Company was to be paid for the water supplied; that point had been already disposed of in the order of Government, dated 13th September 1873, No. 984. The only question submitted for consideration in the letter which has called forth the Board's strictures was, *who* is to pay the *extra* charge to the Company for water supplied from the canal. Government have decided, in the case of first crop, that the charge should be paid by the State and not by the ryots; and I wish to know whether they will be prepared to extend the concession to the case of second crop cultivation. This was a question of principle, for the solution of which it seemed to me perfectly unnecessary to attempt to estimate the volume of water supplied or the area cultivated, or to refer to the supply previously drawn for the first crop. These, as observed by Mr. Latham in the enclosed letter, are proper subjects for disposal at the time of the Irrigation Settlement.

4. In 1871, when the question of first crop charge arose under the Kanala and Nundial tanks, Mr. Chase proposed that Government should limit its demand to the quantity of water received into the tanks from the natural supply, and remit the remainder, leaving it to the ryots to pay for canal water at 6-Rupee rate for the time that supply was drawn. It was considered that Government was not bound to give up more than what it would lose in the shape of remissions, and that the ryots, on the other hand, should be made to pay for any extraneous assistance they might require to save their crops, just as they would to a private owner of an adjoining well or other source of supply if they were left to shift for themselves, as they must have been before the canal came into existence. In the case of Inamdars, it was further proposed that they should pay the full 6-Rupee rate to the Company (in addition to the quit-rent paid to Government), inasmuch as it was never the custom to grant any remission of quit-rent even when the lands were left waste or when the crops were lost from deficient supply. The Board of Revenue thought that "the charge would be just," but that the levy was impracticable, and accordingly recommended its surrender. Government went still further, and directed that the extra charge should not be collected either from Puttadars or Inamdars, but should be paid by the State. The same reasons which induced them to take upon themselves the payment of this extra charge

G. O., dated 18th October 1872, No. 2,452.

to the Company in the case of the first cr... p should, it appeared to me, induce them to ado... a similar course in the case of secon... l crop, provided the conditions mentioned in para... aph 2 of my letter were fulfilled.

The Board state in paragraph 7 ... of their Proceedings that there is no land classed as 2-crop lands (unless it be the ... Inam) under the Nundial tank. This, however, is a question of fact; and, in my let... ter above referred to, I only put the case generally whether Government should not ... extend the rule which they had laid down in the Government order quoted above to ... the case of second crop, *provided* the lands for which canal water was required hav... been classed as 2-crop lands. Under the Nundial tank I find that, previous to the ... Settlement, a large extent of land was classified as 2-crop and assessed accordingly, ... and what was called Faslkammi remission granted whenever the supply was insuffic... ent for the cultivation of second crop. The position of the land-owners with resp... ct to water-supply was the same in the case of the first crop as in the case of the seco... nd; in both cases they were entitled to draw water so far as the natural supply was suf... icient to meet the demand; and if this supply failed, they got no more than the usual r... mission of assessment, whether it was the first crop or second that they raised. I... f, therefore, Government imposed on itself certain obligations to supply water free of ... charge for first crop, it seemed natural to suppose that the same obligations would ... extend to the case of second crop raised on these lands. This was the interpretation ... I put upon G. O. of 18th October 1872, No. 2,452, referred to in Board's Proceed... ings quoted in paragraph 2 of my letter.

6. But even supposing this view to ... be a wrong one, I do not see that Govern... ment has been committed to the payment ... of the extra charge to the Company; for the Board will observe from paragraphs 13 and ... 14 of the Deputy-Collector's letter forwarded by me that the Acting Tahsildar of N... undial informed the ryots at the time that they will have to pay 6-Rupee rate to the ... Company if they took canal water for second crop; and that the Deputy-Collector, in re... porting on their appeal, took care not to give them any assurance that the charge wo... uld be borne by the State. It is, therefore, still open to the Board to direct its levy ... from the ryots if they are of opinion that the order of Government does not justify pa... yment by the State.

7. In paragraph 3 of this G. O., G... overnment remark that it is "desirable that the supply the canal can afford should be ... taken advantage of when the crops under the tanks would otherwise fail." If the past ... season was not one in which the ryots should not have been led to expect for help from ... canal water, I do not see what other "excep... tional circumstances" would justify my allowing the ryots to seek for such aid. Even in the case of first crop supply, Government in many cases must be prepared for "dead loss" under the operation of the G. O. quoted above, and the Board have even fixed a limit to this loss in paragraph 5 of their Proceedings, dated 2nd July 1873, No. 1,157.

8. The Board consider that "a great mistake was made in getting water for the second crop." But I would respectfully remind them that the application was one that required immediate action; and not to speak of the well-founded apprehensions of famine in the country generally, the earlier crops in this district were a comparative failure, and, under these circumstances, to have refused the only means available to the applicants to cultivate an area of no less extent than 689 acres (the produce from which was likely to be thrown into the market at the most critical period of the threatened scarcity) would have been taking a most serious responsibility upon myself.

9. In the present case, Mr. Latham is unable to state what the extra charge will amount to, not having been able to provide the necessary appliances to gauge the supply at the canal sluice as requested by me. The Deputy-Collector and the Tahsildar were, however, instructed to keep a register, in conjunction with the Company's officers, of the depth of water in the tank before and after the canal water was received, the extent of cultivation, the time of sowing, *etc.*, and the Board may rely on Mr. Latham agreeing to any reasonable terms I may propose at the time of the Settlement. *He* does not appear to have misunderstood the extent for which water was applied for, and it seems to me hardly possible, with the Deputy-Collector's letter before them, how the Board could have supposed that any misapprehension could have occurred in the matter.

10. The information called for in paragraph 9 will be submitted on receipt of the necessary statistics from the Deputy-Collector and Mr. Latham.

Enclosure No. 1.

Demi-official letter from J. H. LATHAM, Esq., to the Acting Collector of Kurnool, dated 23rd February 1874, No. 41.

In reference to the question you asked about the supply of Nundial tank for three months for a second crop this season, and what I understood would be the charge for it, I beg to state the facts as reported to me and what I understood.

2. An influential body amongst, if not the whole of, the cultivators of 689·70 acres or thereabouts of land usually irrigated under the Nundial Governmental tank desired canal water in order to enable them to grow a second crop. The Canal Engineer, however (as a matter of course), would not move except on the requisition of you or of your Deputy.

3. Since the Company are bound by their contract* to provide proper and sufficient appliances for the effectual irrigation of land and the general supply of water, and† to employ the same for the irrigation of land and the general supply of water, due regard being had to existing rights specified in Section 5‡, I should assuredly been surprised had the officers of Government stepped in between these cultivators and the Company and declined to allow them the use of canal water, if, indeed, on inquiry, the cultivators' request appeared to be made *bonâ fide* and with good reason and without prejudice to the interests of other cultivators.

* Dated 3rd June 1863, Section 12.
† Section 11.
‡ Viz., (1). Rights of irrigation on the Toombadra or other channels through which the supply of water may be derived.
(2). Existing interests in Nellore.
(3). Prospective irrigation under Nellore anicut.

4. Such was not the case however. The Deputy-Collector applied for the water directly or through you (I have not the letter before me just now); and the actual second crop cultivation under the tank was supplied for three months from the canal. Assuming no subsequent demand of a nature to modify the first, the tank would be left at the same level three months after the commencement of the canal supply as that at which it stood on the commencement of the supply.

5. No measurement of the supply was made, but the canal is at where it is intended to put a large sluice this year.

6. I understood that the payment made to the canal had still to be determined, and that, having supplied the water under such circumstances, I should leave it for the Madras Government to determine, on the principles of the contract, whose terms I think the Company on its part had met.

7. That cultivators under a tank are likely often to require a supply of canal water in order to enable them to grow a crop for which they have not sufficient supply in their tank is certain, and that they should do so and should obtain their request is most desirable; nor can I suppose that any Government,—at least no civilised one,—would prohibit such a supply being given, when so desired, from a canal made for the purpose of supplying such demands and made

t the expense of the country. If a *single* ryot, whether Inam-holder or Putta-holder, whether paying consolidated assessment, mixed assessment, or quit-rent, have land under a well or private tank, and apply for water, he can get it, and pays Government for it. And if a body of men under similar circumstances, but under a Government tank, have no authorised way of expressing their wishes so as to be binding upon all, surely some way could be authorised. I cannot conceive that any one of them has more right to take the canal water for his own use free than he would have to take for his own use any other property brought on to his field for his use and at his own desire, and then to refuse the price agreed upon for it.

SUBMITTED for the orders of Government.

2. In Mr. Hope's former letter he submitted an opinion that G. O., dated 13th September 1873, No. 984, should apply to water supplied for second crop under certain circumstances and that certain land should pay a water-rate of 6 Rupees an acre to the Company.

3. G. O., dated 13th September 1873, No. 984, determined the price which Government should pay to the Canal Company for water supplied to Government tanks.

4. Accordingly, if the Board misunderstood Mr. Hope in treating the question laid before them, which he called a "question of water charge," as a question "as to the rate at which the Company was to be paid," the cause of the misunderstanding was Mr. Hope's want of perspicuity.

5. The question now subinitted is,—who is to pay the extra charge to the Company? In the Deputy-Collector's letter of the 19th December, he argued that it would be just to make the Puttadars pay the full cost of the water and to give it free of payment to 2-crop Inamdars; but that practical considerations made it necessary to treat both in the same way. He added that the Tahsildar had told the villagers that they would have to pay *something*, which the Collector now states was the 6-Rupee rate; but that he (the Deputy-Collector) had "allayed their fears," and told them to cultivate as if Bheema Row's instruction had not been issued. Mr. Hope, in forwarding this letter, suggested that the supply to 2-crop land should be made free of charge and that other land should be held "liable to pay the full water-rate of Rs. 6 to the Company."

6. It must be remarked, in the first place, that whatever payment or terms as to payment the cultivators have to make must be made with Government not with the Company. As regards the special case which gave rise to this correspondence, the water having been obtained by Government, the cultivators must be held to have used it on the same terms as they would have used it if it had been the natural supply of the tank. Those terms might have been modified by previous notice, but they were not. It seems to follow that Government can only charge Puttadars with their ordinary water-rate (Rupees 4 an acre), and that Inamdars holding 2-crop land cannot be charged at all.

7. There remains the general question as to the circumstances under which the Collector should get Government tanks supplied by the Company with water for a second crop, and as to the charge which should be levied on the Puttadars and Inamdars who use that water.

8. The Board adhere to the view expressed in their Proceedings of the 12th February 1874, No. 296, that Government are not *bound* to supply water for a second crop in any case, and that, as a rule, they should not do so, unless Government is secured from loss. They know of no way in which such security can be obtained, so far as regards 2-crop Inamdars, unless they bind themselves by a legal agreement to pay the Government a rate, say, Rupees 5 an acre, which will cover the expense incurred in supplementing the natural supply of the tank occasionally from the canal. It is obvious that this rate could not be collected by summary process as if it was a part of the land-revenue, and it may be difficult to realise it; but the Board think the experiment should be tried. In the case of 1-crop Inamdars and Government ryots, the Board are disposed to believe that a notice should be issued beforehand to the effect that in consequence of the improved supply of water the water-rate will be raised to a certain rate—the same as that charged in the case of 2-crop Inamdars. The rate could then be collected just as if it was ordinary land-revenue. The exact rate should be determined on the best data available so as to secure Government from loss and nothing more.

Proceedings of the Madras Government, Revenue Department,
9th October 1874.

No. 95. ORDER THEREON, 9th October 1874, No. 1,294.

Irrigation, No. 1.

THE Government have had under consideration their order in the Public Works Department, dated 18th October 1872, No. 2,452, and resolve to modify so much of it as lays down the rule that when water is supplied from the canal to Government tanks no demand can be made on the ryots in excess of the amount at which their lands have been assessed.

2. They observe that the Government are not bound to supplement the ordinary supply of a tank when deficient, and though, if there be not sufficient water, the assessment has to be remitted and the Government are so far losers, yet the land-holder in such a case loses in a far larger proportion.

3. It is, of course, desirable that advantage should be taken of the canal to the fullest extent; but, inasmuch as the cost of supplemental water was not considered when the assessment was fixed, it seems only fair that the ryot, who is the greater gainer by the water, should bear a full share of the additional expense incurred in obtaining it.

4. In the case of ryots receiving water for a first crop and for a *mamul* second crop, the Government would fix this share at two-thirds of the price paid to the Company; but they would require Inamdars obtaining a supply for either single or 2-crop land and ryots using the water to raise a second crop on single crop land to bear the full cost.

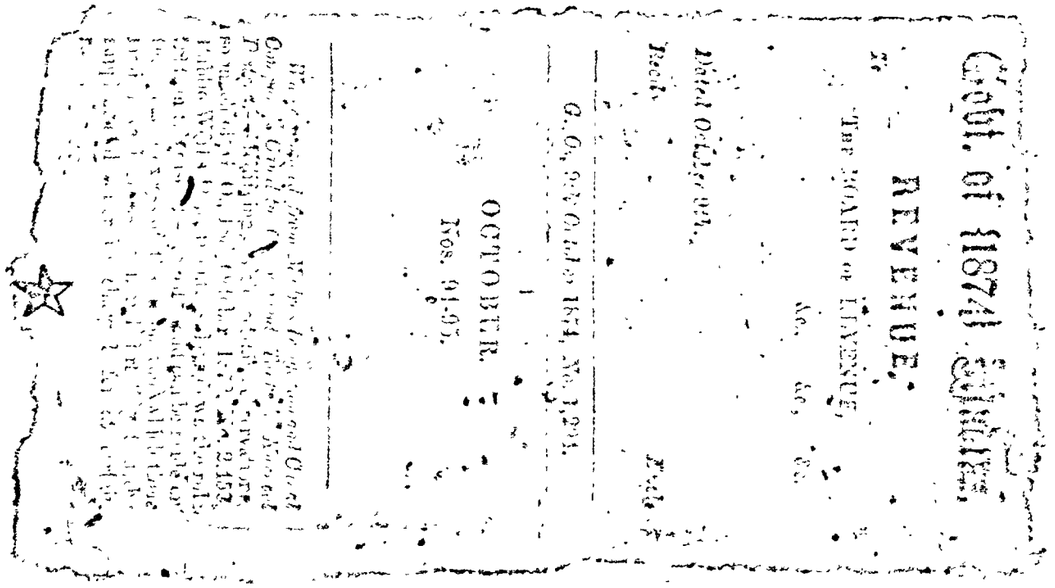
5. Notice should now be given beforehand that when the ordinary supply of the tank is supplemented from the canal, the assessment will be raised in the proportions above noted; and should any difficulty be experienced in enforcing the demand in the case of Inamdars, the matter should be reported, in order that resort may be had, if necessary, to legislation.

6. The case which gave rise to the Board's Proceedings recorded above must be disposed of in accordance with the remarks recorded by the Board in paragraph 6 thereof.

(True Extract.)

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

To the Board of Revenue.
,, the Public Works Department.
Exd. F. R. Bantleman.



No. 1,332.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd June 1874.

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Read also the following letter from J. HOPE, Esq., Acting Collector of Kurnool, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 27th February 1874, No. 78:—

I HAVE the honour to acknowledge the receipt of Board's Proceedings, dated 12th instant, No. 296, passing remarks on my letter, No. 13, dated 9th January, regarding the supply of canal water for second crop cultivation under the Nundial tank.

2. The Board observe that the case has not been "put clearly or completely" before them, and in paragraph 4 they had "the Collector neither attempts to estimate the volume (of water) supplied, nor shows that it would be impossible to make such an estimate."

3. There was no question before the Board as to the rate at which the Company was to be paid for the water supplied; that point had been already disposed of in the order of Government, dated 13th September 1873, No. 984. The only question submitted for consideration in the letter which has called forth the Board's strictures was, *who* is to pay the *extra* charge to the Company for water supplied from the canal. Government have decided, in the case of first crop, that the charge should be paid by the State and not by the ryots, and I wished to know whether they will be prepared to extend the concession to the case of second crop cultivation. This was a question of principle, for the solution of which it seemed to me perfectly unnecessary to attempt to estimate the volume of water supplied, or the area cultivated, or to refer to the supply previously drawn for the first crop. These, as observed by Mr. Latham in the enclosed letter, are proper subjects for disposal at the time of the Irrigation Settlement.

4. In 1871, when the question of first crop charge arose under the Kanala and Nundial tanks, Mr. Chase proposed that Government should limit its demand to the quantity of water received into the tanks from the natural supply, and remit the remainder, leaving it to the ryots to pay for canal water at 6-Rupee rate for the time that supply was drawn. It was considered that Government was not bound to give up more than what it would lose in the shape of remissions, and that the ryots on the other hand should be made to pay for any extraneous assistance they might require to save their crops, just as they would to a private owner of an adjoining well or other source of supply, if they were left to shift for themselves, as they must have been before the canal came into existence. In the case of Inamdars, it was further proposed that they should pay the full 6-Rupee rate to the Company (in addition to the quit-rent paid to Government), inasmuch as it was never the custom to grant any remission of quit-rent even when the lands were left waste, or when the crops were lost from deficient supply. The Board of Revenue thought that "the charge would be just," but that the levy was impracticable, and accordingly recommended its surrender. Government went still further and directed that the extra charge should not be collected

G. O., dated 18th October 1872, No. 2,452.

either from Puttadars or Inamdars, but should be paid by the State. The same reasons which induced them to take upon themselves the payment of this extra charge to the Company in the case of the first crop, should, it appeared to me, induce them to adopt a similar course in the case of second crop, provided the conditions mentioned in paragraph 2 of my letter were fulfilled.

5. The Board state in paragraph 7 of their Proceedings that there is no land classed as two-crop lands (unless it be the Inam) under the Nundial tank. This, however, is a question of fact; and in my letter above referred to, I only put the case generally whether Government should not extend the rule which they had laid down in the Government Order quoted above to the case of second crop, *provided* the lands for which canal water was required have been classed as two-crop lands. Under the Nundial tank I find that, previous to the Settlement, a large extent of land was classified as two-crop, and assessed accordingly, and what was called Faslkammi remission granted whenever the supply was insufficient for the cultivation of second crop. The position of these land-owners, with respect to water-supply, was the same in the case of the first crop as in the case of the second; in both cases they were entitled to draw water so far as the natural supply was sufficient to meet the demand, and if this supply failed, they got no more than the usual remission of assessment whether it was the first crop or second that they raised. If therefore Government imposed on itself certain obligations to supply water free of charge for first crop, it seemed natural to suppose that the same obligations would extend to the case of second crop raised on these lands. This was the interpretation I put upon G. O., of 18th October 1872, No. 2,452, referred to in Board's Proceedings quoted in paragraph 2 of my letter.

6. But even supposing this view to be a wrong one, I do not see that Government has been committed to the payment of the extra charge to the Company, for the Board will observe from paragraphs 10 and 11 of the Deputy-Collector's letter forwarded by me, that the Acting Tahsildar of Nundial informed the ryots at the time that they will have to pay 6-Rupee rate to the Company if they took canal water for second crop, and that the Deputy-Collector in reporting on their appeal, took care not to give them any assurance that the charge would be borne by the State. It is therefore still open to the Board to direct its levy from the ryots, if they are of opinion that the order of Government does not justify payment by the State.

7. In paragraph 3 of this G. O. Government remark that it is "desirable that the supply the canal can afford should be taken advantage of when the crops under the tanks would otherwise fail." If the past season was not one in which the ryots should not have been led to expect for help from canal water, I do not see what other "exceptional circumstances" would justify my allowing the ryots to seek for such aid. Even in the case of first crop supply, Government in many cases must be prepared for "dead loss" under the operation of the G. O. quoted above, and the Board have even fixed a limit to this loss in paragraph 8 of their Proceedings, dated 2nd July 1873, No. 1,157.

8. The Board consider that "a great mistake was made in getting water for the second crop." But I would respectfully remind them that the application was one that required immediate action; and not to speak of the well-founded apprehensions of famine in the country generally, the earlier crops in this district were a comparative failure, and, under these circumstances, to have refused the only means available to the applicants to cultivate an area of no less extent than 689 acres (the produce from which was likely to be thrown into the market at the most critical period of the threatened scarcity) would have been taking a most serious responsibility upon myself.

9. In the present case Mr. Latham is unable to state what the extra charge will amount to, not having been able to provide the necessary appliances to gauge the supply at the canal sluice as requested by me. The Deputy-Collector and the Tahsildar were, however, instructed to keep a register, in conjunction with the Company's officers, of the depth of water in the tank, before and after the canal water was received, the extent of cultivation, the time of sowing, etc., and the Board may rely on Mr. Latham agreeing to any reasonable terms I may propose at the time of the Settlement. *He* does not appear to have misunderstood the extent for which water was applied for, and it seems to me hardly possible, with the Deputy-Collector's letter before them, how the Board could have supposed that any misapprehension could have occurred in the matter.

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ENCLOSURE No. 1 (DEMI-OFFICIAL.)

From J. H. LATHAM, Esq., to the Acting Collector of Kurnool, dated 23rd February 1874, No. 41.

IN reference to the question you asked about the supply of Nundial tank for three months for a second crop this season, and what I understood would be the charge for it, I beg to state the facts as reported to me, and what I understood.

2. An influential body amongst, if not the whole of, the cultivators of 689·70 acres (or thereabouts) of land usually irrigated under the Nundial Governmental tank desired canal water in order to enable them to grow a second crop. The Canal Engineer, however, (as a matter of course) would not move except on the requisition of you or of your Deputy.

3. Since the Company are bound by their contract* to provide proper and sufficient appliances for the effectual irrigation of land, and the general supply of water; and† to employ the same for the irrigation of land and the general supply of water, due regard being had to existing rights specified in Section 5‡; I should assuredly been surprised had the officers of Government stepped in between these cultivators and the Company and declined to allow them the use of canal water; if, indeed, on inquiry, the cultivators' request appeared to be made *bonâ fide* and with good reason, and without prejudice to the interests of other cultivators.

* Dated 3rd June 1863, Section 12.
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‡ Viz. (1). Rights of irrigation on the Toombudra or other channels through which the supply of water may be derived.
(2). Existing interests in Nellore.
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4. Such was not the case however. The Deputy-Collector applied for the water directly or through you (I have not the letter before me just now); and the actual second crop cultivation under the tank was supplied for three months from the canal. Assuming any subsequent demand of a nature to modify the first, the tank would be left at the same level three months after the commencement of the canal supply as that at which it stood on the commencement of the supply.

5. No measurement of the supply was made; but the bank was cut where it is intended to put a large sluice this year.

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7. That cultivators under a tank are likely often to require a supply of canal water in order to enable them to grow a crop for which they have not sufficient supply in their tank, is certain; and that they should do so, and should obtain their request, is most desirable; nor can I suppose that any Government, at least no civilized one, would prohibit such a supply being given, when so desired, from a canal made for the purpose of supplying such demands, and made at the expense of the country. If a *single* ryot, whether inam-holder or putta-holder, whether paying consolidated assessment, mixed assessment, or quit-rent, have land under a well, or private tank, and apply for water, he can get it, and pays Government for it. And if a body of men under similar circumstances, but under a Government tank, have no authorized way of expressing their wishes so as to be binding upon all, surely some way could be authorized. I cannot conceive that any one of them has more right to take the canal water for his own use free, than he would have to take for his own use any other property brought on to his field for his use and at his own desire, and then to refuse the price agreed upon for it.

SUBMITTED for the orders of Government.

2. In Mr. Hope's former letter he submitted an opinion that G. O., dated 13th September 1873, No. 934, should apply to water supplied for second crop under certain circumstances, and that certain land should pay a water-rate of 6 Rupees an acre to the Company.

3. G. O., dated 13th September 1873, No. 934, determined the price which Government should pay to the Canal Company for water supplied to Government tanks.

4. Accordingly, if the Board misunderstood Mr. Hope in treating the question laid before them which he called a "question of water charge" as a question "as to the rate at which the Company was to be paid," the cause of the misunderstanding was Mr. Hope's want of perspicuity.

5. The question now submitted is—who is to pay the extra charge to the Company? In the Deputy-Collector's letter of the 19th December he argued that it would be just to make the Puttadars pay the full cost of the water, and to give it free of payment to two-crop Inamdars, but that practical considerations made it necessary to treat both in the same way. He added that the Tahsildar had told the villagers that they would have to pay *something*, which the Collector now states was the 6-Rupee rate, but that he (the Deputy-Collector) had "allayed their fears" and told them to cultivate as if Bheema Row's instruction had not been issued. Mr. Hope in forwarding this letter suggested that the supply to two-crop land should be made free of charge, and that other land should be held "liable to pay the full water-rate of Rupees 6 to the Company."

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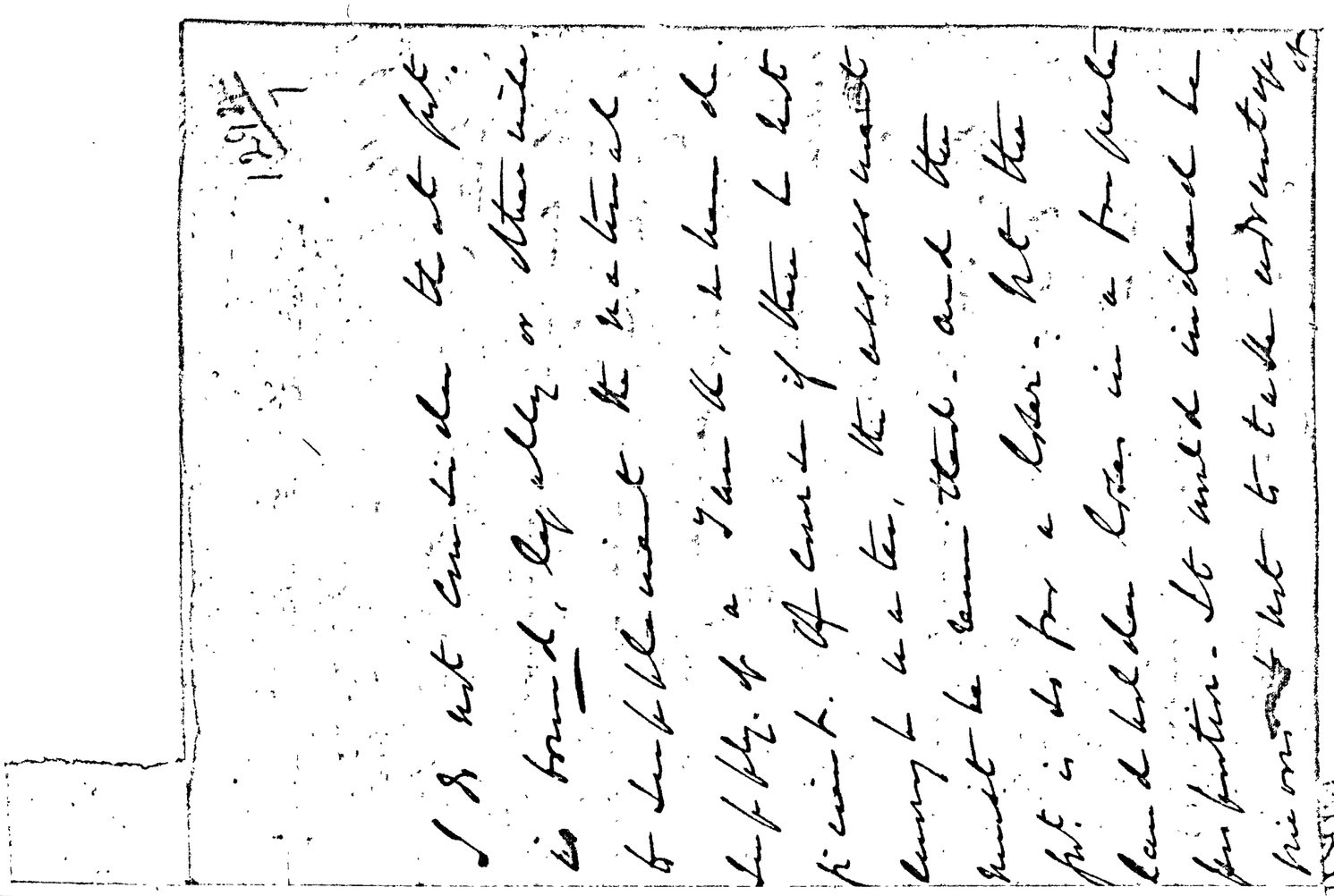
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(A true Copy and Extract.)

Secretary.

To the Acting Secretary to Government, Revenue Department,
with Board's Proceedings, dated 12th February 1874, No. 296.
,, the Collector of Kurnool,

Exd. T. O'Conner.



No. 1979
Revenue 1874. Department

Board of Revenue,

MADRAS.

PROCEEDINGS, 3RD JUNE 1874, No. 1,332.

Encl. 1.

Received 9 June/74

JUNE.
No. 1,332.

Water supplied from Irrigation Company's Canal—to Government tanks in Kurnool District.—Collector's letter regarding payment for —, submitted for orders of Government, with remarks.

of the Canal to the
fullest Extent - but
I think the Act it may effec-
tually enough be explained to
pay the difference - whatever
it may be - between the net
assessment, and the actual
cost of the subscriptions
water. The assessment was fixed
without reference to this additional
Expence - and the Act is un-
doubtedly a great favour to the
water. I think therefore that

the Directors in Oct. 1872 Nº 2452
12514
should be recommended, as regards
the first crop - on lands on which
or put lands - Second crop irriga-
tion should in my opinion be trini-
tarily dealt with.

J. D'A 5/8

Lower net the assessment fixed as for
land irrigated first - that is, for as
per land per which a constant supply
of water could be getting at the
cost of 50/- ? Query if this were not
the case - I think it would be fair

to give the Ryot the benefit of the practical
argument, that if the Govt. did not supply
the deficiency it would have to remit the
assessment - I do not think therefore that
we ought to consider the Act of 1877.

The question remaining - concerning
understanding/reckoning the second crop.
And I cannot ~~transpose the passages~~ clearly perceive from these papers what are
the grounds on which a difference is ~~to~~
made in this respect between 1st and
2nd crop. I suppose that the Govt.
Tanks must have been extended to
irrigate the 2nd crop as well as 1st
crop, and that the assessment was fixed
accordingly. 8/8

The basis of all
Settlement in India
is the State's right to a
share of any crop
raised on Ryotwar
land. When raised on
irrigated land, the share
of the more valuable crop
- in other words the
assessment or rent charge
is higher, but the rights
of the rent charge or
assessment carries
with it no obligations
whatever to supplement
Nature's originally
deficiencies or to place
the Ryot in a better
position than he would
be under the ordinary
Conditions

Conditions of the season
If the means of
raising the next crop
fail, Each cultivator
share of the loss. Three
crops Tobacco (con-
tinuing) and the rent
charge is remitted, but
the Ryot takes the Cultivators
loss — without Sircar's
claim against the
State, when the loss
arises from lackes
in keeping a bank in
repair — at least no
such claim has ever
been attempted to be
substantiated as yet.
If the Government thereof
go to the Expense of
purchasing waters
to enable Cultivators
— whether Pattahdars
or

Irrandars — to raise a
Crop to maturity, which
under the Canal Conditions
of the season would fail,
the Cultivator must pay
for his full share of the
benefit thus obtained.
Irrandars should,
I think, pay the full cost
of any supplementary
supply for either single
or two Crop land, and
if necessary legislation
should be resorted to, to
Enforce it.
As regards Pattahdars
I submit that the
additional charge
should be in proportion
to the relations adverse
which the State and
Cultivator derive from
the purchased supply.
The Rate should bear
a reasonable

one-third of the additional water-charge, which would justly represent the degree of risk with which the Kalabanse in the Crop-land the Chindpain Pettah has to stand of the price of the supplementary water.

The same principle should, I think, rule the case of Manufacturing-Crop land - Single-Crop land which can be made to raise two crops by supplementing the water in the tanks must pay, I submit, the full cost of the purchased water in addition to the assessment.

13/8. Wood

Revenue Department

1294/11

Memo for Orders.

Pros: B. J. Ransome.

Asking for orders with remarks, Colo's letter regarding payment for water supplied from Irrigation Company's Canal to Govt. tanks in Kurnool &c. } Ps 3d June 1874 No. 1332

In G.O. (Public Works Department) 18th Oct. 1872 No 2452, the Govt decided that, where the ordinary supply of tanks in the Kurnool Cuddapah districts failed, it might, where possible, be supplemented by waters from the Irrigation Company's canal.

The water is to be paid for by Government, "as no demand can be made on the ryots in respect of the amount at which the

See my note - I'm considering the new Rules for the Canal Irrigation - a question arose as to the present Rates charged to the Ryots for the Canal Water: and it was I think decided that the Rates might be lowered. Any action has been done in the matter? H 8/8

This matter is under correspondence in the W. Secd, Col Wallace talked to me

the land has been assessed."

The rate (G.O. Revenue Dept. 13: Sept: 1873 No 984) is to be 8 Rupees per 1000 cubic yards.

2. Now the following further questions have arisen:-

(1) May the Collector ask for a supply of water to enable a 2nd crop to be grown?
If so, is he to demand anything extra to meet the expense,

(2) from Inamdars holding two crop land?

(3) from Inamdars holding one crop and from Govt Ryots?

To the (1)st the Board say No, unless Govt are secured from loss, and, to effect this, they refer to (2) and (3).

They remark that the Govt are not bound to furnish two crop Inamdars with water for a 2nd crop, unless [illegible] is a natural supply; and they would, therefore, not let them have the Company's water unless they agreed to a rate

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rate which would cover the expense. This rate they would then fix as that to be paid by one-crop Inamdars and Govt Ryots who grow a 2d crop from tank-water supplemented by Company's water.

3. The principle on which the Board proceed is fair enough, and the reasoning which prevented any extra charge being asked on the 1st crop does not hold good with regard to 2d crops, the charge on which is not assessment, but water tax.

The ordinary water tax is Rs 4, and the Board proposed to make this extraordinary tax Rs 5.†

They apparently would make no distinction between cases in which water is required for an entire 2d crop, and cases in which only a supplemental supply is taken, and, provided the Govt do not lose, it seems immaterial

to

† They say also "the exact rate should be determined on the best data available so as to secure Govt against loss & letting alone."

to consider anything else, for they ought not to make anything out of the Canal water.

4. In a case which has arisen, the Collector allowed rates to be taken for a 2nd crop without making any special provision with the cultivators. In this no doubt he was wise, as the produce of 689 acres was likely to be thrown into the market at the most critical period of the threatened scarcity, and the Board are, it is presumed, correct in determining that "the cultivators must be held to have used it on the same terms as they would have used it if it had been the natural supply of the tank."

S.A.R.

The simple question is whether the rate fixed by G.O. 13th September 1873 No. 984 R.D.

R.D. viz. 1 pie per 100 cubic yards would involve such a charge upon Government as would not be met by the usual 2d. Crop assessment chargeable on the lands under this tank.

If the assessment would not meet the charge, then an extra sum must be paid by the ryots to meet the deficiency.

Though Government may not be bound to supply water for a 2d. Crop, it would be a vexatious proceeding to refuse permission, the water being available in the canal and the ryots anxious to cultivate.

The rule would be therefore to supply the water, of course on the understanding that Government is secured from loss.

In para 8 of their Proceedings dated 5th June 1874 No. 1333, the Board propose an arrangement to meet future cases of the kind, but leave the rate to be determined on the best data available.

The Collector has not yet

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yet reported (para 10 of his letter recorded in Board's Proceedings 3rd June 1874 No. 1332) what the fair charge for the water already supplied is.

In para 3 of the same letter he seems to think the principle has already been settled, but it is observed that Mr. Latham in para 6 of his enclosed letter understands that "the payment made to the Canal has still to be determined", apparently including in that statement the principles on which the payment was to be calculated.

The Board appear to be correct in their conclusion in para 6 that the Cultivators can in the present case be charged the ordinary water rate and the Inamdars, holding 2/3 crop land, nothing at all.

There does not appear any particular reason why the

But the lands are not irrigated directly from the Cs works but through an or tank &c &c.

the second crop cultivation under a Government tank should not, in the absence of Government water for its cultivation, fall under the ordinary Canal rules. If the Government are not to profit by such cultivation but merely to be secured from loss, it cannot affect their interests if the ryots procure the water on regular darkhast from the Canal pains and pay for it in ordinary course. This would save all trouble in making special arrangements with Inamdars.

On the principle Embodied in Clause 13 of Rule VI (G.R. 3rd July 1874 No. 831) might be followed, viz "Additional cultivation "under Government works of "irrigation due to the influx "of Canal water shall ---- "-- be charged for at the "same rates as the other "cultivation within the Ayacut

the

"the difference between the
"consolidated wet assessment
"and the dry assessment
"being credited to the Company"

(5.) This rule was intended to apply to water not purchased introduced by the Company. Its application to second crop cultivation would allow the Company but a small sum in comparison with their usual charge, but they could accept this if they pleased and it would prevent the ryot being charged more than he has heretofore usually paid for a second crop if it is considered essential to continue that privilege to him.

C C C

Revenue Department.

No. 1294

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 9th ~~September~~ December 1874.

READ the following Gr. of the Board of Revenue.

Submitting letter from Collector of Tirunel regarding payment for water supplied from Irrigation Company's Canal to Government Tanks.

H. E. 3rd June 1874. No. 1332.

The Government have had under consideration their order in the Public Works Department dated 18 October 1872 No. 2452, and resolve to modify so much of it as lays down the rule that when water is supplied from the Canal to Government tanks no demand can be made on the ryots in excess of the amount at which their lands have been assessed.

2. They observe that the Government

Government are not bound to supplement the ordinary supply of a tank when deficient and though if there be not sufficient water the assessment has to be remitted and the Government are so far losers, yet the landholders in such a case loses in a far larger proportion.

3. It is of course desirable that advantage should be taken of the Canal to the fullest extent but in as much as the cost of its water was not considered when the assessment was fixed, it seems only fair that the ryot, who is the great gainer by the water, should bear some share of the additional expense incurred in obtaining it.

4. In the case of ryots receiving water for a 1st Crop and for a manual 2nd Crop, the Inamdar would fix this share at 2/3 of the price paid to the Company, but they would require Inamdars obtaining a supply for either single or

double crop land and ryots using the water to raise a 2nd Crop on single crop land to bear the full cost.

5. Notice should now be given beforehand that when the ordinary supply of the tank is supplemented from the Canal, the assessment will be raised in the proportions above noted and should any difficulty be experienced in enforcing the demand in the case of Inamdars, the matter should be reported in order that resort may be had if necessary to legislation.

6. The case which gave rise to the Board's proceedings recorded above must be disposed of in accordance with the remarks recorded by the Board in paragraph 6 thereof.

14 to the Board of Revenue
21 " Public Works Dept

Samuel Ellis
ordered in Council
9.10.74
[illegible]

94-95

Capt. Lighthouse Repts