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B.P. No.

1155

Press
Mis.

Dated

31/7/1967

196

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Not to be folded or roughly handled

1155

Proceedings of the Madras Government, Revenue Department,
31st July 1875.

No. 340. Read the following Proceedings of the Board of Revenue, dated 11th June 1875, No. 1,590:—

Read the following letter from W. McQUHAE, Esq., Collector of Madura, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Shembaganoor, 8th May 1875, No. 193:—

With reference to my letter* of 25th March 1875, No. 135, I have the honor to request instructions on the question whether any steps can be taken for collecting the pay of the Nelayur Channel establishment which is in arrears since September 1873. This establishment was entertained with the consent of the ryots, but no formal written agreement was taken from them. When quarrels among the villages irrigated by this channel first caused difficulty in the collection of the cess, the ryots never absolutely refused to pay, but always made promises and excuses. The consequence was that the establishment continued working without pay, though I believe the coolies must have obtained their daily food from the ryots. The doubt now is whether payment of the voluntary cess can be legally enforced in order that arrears of wages may be paid to the Peishcar and coolies. I am afraid the payment was voluntary and cannot be enforced.

2. I think it is established by experience in Coimbatore, Madura and other places, that the voluntary system will not work in large channels. The different villages are sure to have disputes, and it is impossible to meet the wishes of all. As soon as one party in a village refuse to pay the cess, all the other ryots refuse to pay unless all pay and the whole arrangement falls in pieces.

THE Board fear that the collection of the arrears cannot be legally made. The measures approved in Board's Proceedings, dated 30th April 1875, No. 1,089, should be strictly enforced.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 340A. MINUTE BY HIS EXCELLENCY THE GOVERNOR.

I MUST venture again (vide Minute Proceedings of Madras Government, 12th May 1875) to ask my Honorable Colleagues to reconsider this matter.

2. I submit that very serious inconvenience and great loss arise to an agricultural people from the ordinary channel clearances and ditching of the country not being readily, seasonably, and well done year by year; that the State cannot possibly and ought not to attempt to do what is a popular and legal obligation; that the people are generally willing to carry out the thing, and, in fact, do a great deal by a communal arrangement; but that being practically voluntary arrangements, they cannot be enforced under many circumstances.

3. I think, therefore, that if comprehensive compulsory law in this behalf be inexpedient at present,—I would myself go considerable lengths in this direction,—at least we should provide the people with the means of legally combining for these useful objects, with power to maintain such obligations against a few selfish recusants and to commute the obligations, if they so desire, in such a way as may enable Government servants to carry out the work.

*Proceedings of the Madras Government, Revenue Department,
31st July 1875.*

4. If my Honorable Colleagues will go no further, I submit that we might ask the Board and Collectors to report on some such small project of law as will provide for these objects.

8th July 1875.

(Signed) W. ROBINSON.

No. 341.

ORDER THEREON, 31st July 1875, 1,155.

Irrigation, No. 7.

THE Governor in Council agrees with the Board that the law does not admit of the enforcement of the collection of arrears in cases of this kind.

2. It is, however, undesirable that serious inconvenience and loss arise to the agricultural community from the failure to effect ordinary channel clearances seasonably year by year. The duty is one which the State ought not to, and cannot undertake, and although a majority generally admit the obligation and are willing to perform the work they are in the present state of the law unable to combine for the common good owing to the opposition of a few recusants.

3. His Excellency the Governor in Council accordingly resolves to call on the Board for their opinion, after consulting a few selected Revenue Officers, as to the expediency of legislation on the subject, and as to the form it should take, whether amendment of existing law or original legislation.

(Signed) A. MACGREGOR,
Acting Secretary to Government.

21-3-16
23-1-20
21-6-29
31-10-28
20-4-39
9-7-40

Case submitted by Ryots of the Pina
irrigated by Nelayur Channel to Madras for
reference to the Board's Proceedings regarding
the collection of the cess of the ryots - calling
the Board for their equity as to the extent
of legislation on the subject, and as to how far
it should take.

No. 310-241

THE BOARD OF REVENUE

REVENUE

Copy of 1875

Original

Dated July, 31st

G. O. 31st July 1875, No. 1155

Vide B.L. Pro. 18 Sept 1875
Memo No 8521, 29-10-75 (1/2 2010 Ann)

Further P. 8 Nov 75 No 1562
— 9 Dec 75

No. 1,590.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th June 1875.

Read the following letter from W. McQUHAE, Esq., Collector of Madura, to
H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated
Slembaganoor, 8th May 1875, No. 103:—

With reference to my letter* of 25th March 1875, No. 135, I have the honor

*Recorded in Board's Proceedings, No. 1,089, dated 30th April 1875. to request instructions on the question whether any steps can be taken for collecting the pay of the Nelayur Chan-

nel establishment which is in arrears since September 1873. This establishment was entertained with the consent of the ryots, but no formal written agreement was taken from them. When quarrels among the villages irrigated by this channel first caused difficulty in the collection of the cess, the ryots never absolutely refused to pay, but always made promises and excuses. The consequence was that the establishment continued working without pay, though I believe the coolies must have obtained their daily food from the ryots. The doubt now is whether payment of the voluntary cess can be legally enforced in order that arrears of wages may be paid to the Peishcar and coolies. I am afraid the payment was voluntary and cannot be enforced.

2 I think it is established by experience in Ootimbatore, Madura and other places, that the voluntary system will not do for large channels. The different villages are sure to have disputes, and it is impossible to meet the wishes of all. As soon as one party in a village refuse to pay the cess, all the other ryots refuse to pay unless all pay and the whole arrangement falls in pieces.

The Board fear that the collection of the arrears cannot be legally made. The measures approved in Board's Proceedings, dated 30th April 1875, No. 1,089, should be strictly enforced.

(A true Copy and Extract.)

H. E. Stokes
Acting Secretary.

To the Collector of Madura.

Copy to the Acting Secretary to Government, Revenue Department.

Exd. W. H. French.

Proof

MINUTE BY HIS EXCELLENCY THE GOVERNOR.

I must venture again (vide Minute Proceedings of Madras Government, 12th May 1875) to ask my Honorable Colleagues to reconsider this matter.

2. I submit that very serious inconvenience and great loss arise to an agricultural people from the ordinary channel clearances and ditching of the country not being readily, seasonably, and well done year by year; that the State cannot possibly and ought not to attempt to do what is a popular and legal obligation; that the people are generally willing to carry out the thing, and, in fact, do a great deal by a communal arrangement; but that being practically voluntary arrangements, they cannot be enforced under many circumstances.

3. I think, therefore, that if comprehensive compulsory law in this behalf be inexpedient at present, I would myself go considerable lengths in this direction,—at least we should provide the people with the means of legally combining for these useful objects with the power of maintaining the obligations against a few selfish recusants and of commuting the obligations, if they so desire, in such away as may enable Government servants to carry out the work.

4. If my Honorable Colleagues will go no further, I submit that we might ask the Board and Collectors to report on some such small project of law as will provide for these objects.
(Signed) W. ROBINSON.

8th July 1875.

(to)

The Govt. Council in his opinion expressed in No. 7 of 1875

The question of arrears of pay due to the necessary establishment with reference consideration in the Public work, Sept

17625

for order

BOARD OF REVENUE,
MADRAS.

1875.

Decr. 1875: 2446
N. 2365

PROCEEDINGS, 11TH JUNE 1875, No. 1,590.

Copy 24 June 1875
Encl.

Received 21: June

Decr. 1875: 2446 July 1875

JUNE.
No. 1,590.

Cess—voluntarily paid by ryots of the villages irrigated by Neyyar Channel in Madras District, for the maintenance of an establishment for clearing it, but afterwards withheld, owing to certain dispute regarding the appointment of Peishcar.—Opinion expressed that collection of the arrears cannot be legally made. The measures approved in Board's Proceedings, 30th April 1875, No. 1,089, should be strictly enforced.

No. 2365

From B^d of Rev.

Dated

11th June

1875.

FOR ORDERS.

Minute

I much venture again (Vide
Minute Proceedings of Madras Govt 12th May/75)
to ask my Honble. Members to reconsider
this matter.

I submit that any season
inconvenience and great loss would be
an agricultural people from the ordinary
channel clearances and ditching of the
Country not being readily, seasonably and
well done year by year - that the State
cannot possibly and ought not to attempt
to do

to do what is a popular slight obligation:
that the people are generally willing to
carry out the thing and in fact do a
great deal by a communal arrangement
but that being practically voluntary
arrangements, they cannot be enforced
under many circumstances.

I think therefore that if
a Comprehensive Compulsory law in the
behalf be inexpedient at present, I
would myself go considerable lengths
in this direction - at least we should
provide the people with the means
of legally combining for these useful
objects with the power of maintaining the
obligations against a few selfish recusants
and of commuting the obligations, if they
so desire, in such a way as may enable
Govt

Govt: Servants to carry out the work.
If my Honble: Colleagues will
go no further I submit that we ought
ask the Board and Collectors to report
on some such small projects of law
8/7 W. W. W. W.

This obligation I shall
for report & suggestions of R

A law going further than Act I of 1868
& the refusal of remissions - when ryots
neglect "Kudimaramut" is rather a
serious matter just now when we are con-
templating a considerable increase to
local taxation for the purpose of
elementary instructions. - We may

Rev. Dept

FOR ORDERS.

however ask the B.C.,
in communication with
a few selected Revenue
officers, to advise as
as to the necessity of
legislation on the
subject and as to
the form it should
take. i.e. amendment
of existing law - or
original legislation

R.L.E.

12 July 75.

G.O. 31 July 75 No. 1155

G.O. No. 1155 & 31st July 1875

Rev. B.C. of Rev

Expressing opinion that collection of
fess, voluntarily paid by rights of village irrigated by the
channel. In this B.C. is maintenance of an old law for collecting it
but afterwards without any to a dispute, cannot be legally made to

No. 1155

31st July 75. Rev. Dept

16.2.11: June 75 N. 1590.

The Governor in Council
agrees with the Board
that the law does not
admit of the defunct
of the collection of arrears
in cases of this kind.

It is however understood
that serious inconvenience
will arise to the
Agricultural community
from the failure to
effect ordinary channel
clearance seasonably
year by year - The Govt
is one which the State
ought ^{not} to, & cannot
undertake, & although

SK

mb
29/7

to inquire generally
admit the obligation
I am willing to perform
the work. They are in
the present state of
the law make a
conclusion for the common
good owing to the
opposition of a few
persons.

His Excellency the
Governor in Council
accordingly resolved to
call on the Board
for their opinion,
after consulting a

115/8
few select Reverend
Officers, as to the
expediency of legislation
on the subject. as to
the form it should
take - whether amended
of existing law - or
original legislation.

14 To the Board of Nov Dec 19 August

Alm.

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022' 2-8/10. 0230' 2-8/10