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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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Dated 8-12-1875 196 . .

Not to be folded or roughly handled

1/1776

Proceedings of the Madras Government, Revenue Department,
8th December 1875.

No. 114. Read the following Proceedings of the Board of Revenue, dated 26th October 1875, No. 2,964:—

Read the following letter from W. S. FOSTER, Esq., Collector of the Godavery District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cocanada, 18th September 1875, No. 384:—

In their Proceedings of the 8th April 1874, No. 777, the Board decided that 585 Acres were usual wet in the village of Duggudurru belonging to the Pittapur Zemindar, and directed that it should be exempted from water cess. The area irrigated in previous years by anicut water was less than the extent allowed, but before the final orders of the Board on the subject were passed only a portion was exempted from water cess, and the remainder was treated as dry and water cess charged and collected as shown in the accompanying statement. The amount involved is Rupees 5,107-7-9, and the Zemindar requests that the amount should be refunded to him. The ryots contend that the refund should be made to them, but as the amount was collected on lands admittedly dry the Zemindar is entitled to the refund—*Vide* Board's Proceedings, dated 2nd July 1875, No. 1,831. I have therefore the honor to request that the Board will sanction the refund of the amount to the Zemindar. The sum in question was collected and credited to Government on the dates mentioned in the annexed statement marked B.

2. Besides the Rupees 5,107-7-9 referred to a sum of Rupees 219-8-6 on account of Fasli 1274 was also claimed by the Zemindar, and on this subject the Sub-Collector has been requested to furnish some explanation.

Enclosures Nos. 1 and 2.—Statements.

Submitted for the orders of Government, with the Board's recommendation that the sum of Rupees 5,107-7-9 be ordered to be refunded to the Zemindar, it being the amount of water-rate improperly collected on lands which he is entitled to irrigate under the anicut free of charge.

(A true Copy and Extract.)
(Signed) H. E. STOKES,
Acting Secretary.

No. 115. Order thereon, 8th December 1875, No. 1,776.

Miscellaneous.

The refund of Rs. 5,107-7-9 to the Zemindar of Pittapur as recommended by the Board is approved and sanctioned.

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

To the Board of Revenue.
,, the Accountant-General.

Exd. J. Tulloch.

Govt. of 1875} 27th Oct.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated December, 8th.

Read.

G. O., 8th December 1875, No. 1,776.

DECEMBER.

Nos. 114-115.

Water-rate improperly collected from the Ryots of Pittapur in Godavery District, and ordering the refund of Rs. 5,107-7-9, being the amount of —.

No. 2,064.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th October 1875.

Read the following letter from W. S. FOSTER, Esq., Collector of the Godavery District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cocanada, 18th September 1875, No. 384 :—

IN their Proceedings of the 8th April 1874, No. 777, the Board decided that 585 Acres were usual wet in the village of Duggudurru belonging to the Pittapur Zemindar, and directed that it should be exempted from water cess. The area irrigated in previous years by anicut water was less than the extent allowed, but before the final orders of the Board on the subject were passed only a portion was exempted from water cess, and the remainder was treated as dry and water cess charged and collected as shown in the accompanying statement. The amount involved is Rupees 5,107-7-9, and the Zemindar requests that the amount should be refunded to him. The ryots contend that the refund should be made to them, but as the amount was collected on lands admittedly dry the Zemindar is entitled to the refund—*Vide* Board's Proceedings, dated 2nd July 1875, No. 1,831. I have therefore the honor to request that the Board will sanction the refund of the amount to the Zemindar. The sum in question was collected and credited to Government on the dates mentioned in the annexed statement marked B.

2 Besides the Rupees 5,107-7-9 referred to a sum of Rupees 219-8-6 on account of Fasli 1274 was also claimed by the Zemindar, and on this subject the Sub-Collector has been requested to furnish some explanation.

ENCLOSURES Nos. 1 and 2.—Statements.

SUBMITTED for the orders of Government, with the Board's recommendation that the sum of Rupees 5,107-7-9 be ordered to be refunded to the Zemindar, it being the amount of water-rate improperly collected on lands which he is entitled to irrigate under the anicut free of charge.

(A true Copy and Extract.)

J L Stokes

Acting Secretary.

To the Acting Secretary to Government, Revenue Department,
with two Statements to be returned, and copies of Board's Proceedings,
dated 8th April 1874, No. 777, and 2nd July 1875, No. 1,831.

Copy to the Collector of the Godavery District.

Exd. J. Tulloch.

No. 4273
Revenue 1875.
Board of Revenue,
MADRAS.

PROCEEDINGS, 26TH OCTOBER 1875, No. 2,964.

Received 23 Nov 75

OCTOBER.
No. 2,964.

Water-rate—amounting to Rupees 5,107-7-9, improperly collected on certain lands in Pittapur Zemindari in Godavery District, which the Zemindar is entitled to irrigate free of charge —Submitting to Government letter from Collector requesting sanction for the refund of —.

No. 777.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th April 1874.

Read the following letter from W. S. FOSTER, Esq., Acting Collector of the Godavery District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cocanada, 24th February 1874, No. 44:—

I HAVE the honour to forward herewith copy of Sub-Collector's letter of the 15th December last, No. 400, on the subject of determining the usual wet land in the village of Duggudurru in the Pittapur Zemindari.

2. The questions raised by Mr. Horsfall are (1st) whether the Gudikat of wet land, or the extent usually cultivated with wet crops, is to be allowed as usual wet; and (2nd) whether the Zemindar ought not to be charged with anything in the shape of maintenance of the anicut works that irrigate the lands in question.

Vide Board's Proceedings embodied in G. O., 18th May 1872, No. 764, paragraphs 33 to 35.
Board's Proceedings, 10th June 1872, No. 947, paragraph 3.
Board's Proceedings, 18th March 1872, No. 2,050, about Vasantavada Estate

3. The first question has already been disposed of in this and some other estates, and I think it unnecessary to re-open it. The wet Gudikat is to be taken.

4. The second question is certainly a matter for consideration, I think, when a composition is made with the Zemindar, as in the case of the Nidadole and Baharzhally Estates.

5. In the accounts of Faslis 1244, 1250, 1252, 1253, 1254 and 1255, the Gudikat is entered as 585 acres, while in the accounts of the subsequent years, it is entered as 485 acres 60 cents. The Zemindar claims the former extent as usual wet. In the cases disposed of by the Board in this estate, they have generally taken the highest extent that appeared in the accounts as wet, and in one or two cases the lowest. I request instructions as to what may be adopted in future cases.

ENCLOSURE No. 1.

From J. G. HORSFALL, Esq., Sub-Collector, to W. S. FOSTER, Esq., Acting Collector of Godavery District, dated Rajahmundry, 15th December 1873, No. 400.

I HAVE the honour to state that in this district, there are certain lands belonging to the Zemindars which were formerly irrigated by natural sources of irrigation maintained by the Zemindars. These sources were obstructed by the construction of the anicut to the Godavery and of the anicut channels (both drainage and irrigation) by the deepening of certain old channels and the like, all on account of Government. The Government are, therefore, under the obligation to supply water to the Zemindars in cases in which it is possible for them to do so. The supply must of course be free of any charge for water; for, the Zemindars never paid any extra assessment to Government, when their lands were irrigated by natural sources of irrigation. The water-tax rules sanctioned by Government in their order of the 31st October 1865 therefore provided that "no charge whatever shall be made under these rules for a single crop on Zemindari or Inam land where such lands are proved to have been customarily cultivated with wet crops under old tanks, channels or by any other means of irrigation whatever prior to the construction of the anicuts, or to have been charged in the accounts with such a rate of assessment as indubitably indicates the title of such land to water, etc. etc."

2. Three hundred-and-sixty acres and 10 cents of land were returned by the villagers of Duggudurru, a village belonging to the Zemindar of Pittapur, and situate in the Ramachendrapur Taluq, as Zemindari land liable to exemption from water-rate.

3. Mr. Fraser, the late Collector, held an inquiry into the claim in 1870 when the taluq was attached to the Principal Division, and decided that 347 acres 46 cents of land be treated as "*usual wet*" and supplied with anicut water free of any charge. This extent is the average area entered as "*Paddy producing land*" in the accounts of Faslis 1205, 1206, 1207, and 1208. The term "*Paddy producing land*" is generally taken to signify wet land.

Fasli.		Vissams.
1205	... ...	126$\frac{3}{16}$
1206	... ...	129$\frac{1}{4}$
1207	... ...	151$\frac{13}{16}$
1208	... ...	151$\frac{3}{16}$
		4)558$\frac{13}{16}$
		139$\frac{13}{64}$

Equivalent to 347 Acres 46 Cents.

4. The Zemindar of Pittapur, whose interests are involved, soon afterwards applied to the Collector for a review of his decision, and produced certain accounts which show a greater extent of wet land. The Collector issued an order to the Tahsildar to institute local inquiry and report his opinion after personally inspecting the lands. The Tahsildar has accordingly done so, and his report, dated 23rd June 1871, was transferred by the Collector to this office for disposal.

5. The questions for decision are—

(1st.) Whether there were any sources of irrigation.

(2nd.) If so, whether they were intercepted by any act of Government.

(3rd.) What extent of land is to be allowed as usual wet and entitled to irrigation free of charge.

6. As to the first two questions, the Tahsildar's inquiry shows that—

(a) The two channels marked B (Toralukodu Channel) and G (Chintala Kalva) in the annexed plan were the means of irrigation. They had their supply of water from (1) rain water which flowed down from the lands of the villages of Draksharama, Doddampet, Andrangy, Yarapothavaram, Kuyyeru, etc ; and (2) floods of the Gantamy Godavery.

(b.) Cross dams were raised to the said two channels B and G at the places marked Q^1 and Q^2, and water was taken to the tanks H, H^2, H^3, K^1, K^2 and K^3 and to the marsh marked C.

(c.) Another dam was raised at Q^3 to the marsh C, just named, and the water taken to the tanks K^1, K^2, K^3 and K^4 through the channel D, called Pallam Calwa.

(d.) A fourth dam was also raised at F, in the marsh marked L^1 and L^2, thereby carrying water to tanks K^5 and K^6.

(e.) The direct irrigation, therefore, was from tanks H^1, H^2, H^3, K^1, K^2, K^3, K^4, K^5, K^6, K^7, K^8, and K^9 and the marsh C.

(f.) Since the construction of the anicut, the Andrangy Drainage Channel marked M. was dug, and the old sources were consequently obstructed.

7. Moreover, the Godavery was embanked and Godavery flood-water intercepted.

8. The 1st and 2nd Questions are therefore to be decided in the affirmative.

9. The next question which is as to the extent to be allowed as usual wet is rather intricate. The Anicut Irrigation was commenced in Fasli 1267, so that the accounts prior to that fasli are our guide in the decision of the issue.

10. The following are the entries in the accounts :—

I.—*Accounts sent by the Tahsildar.*

Fasli.	Extent. A.	C.		How entered.	By whom signed.
1209 ...	376	20		Zirayati Khirdu (cultivated). It is not stated whether it is dry or wet.	None.
1250 ...	585	0	Wet.	Ayacut. These accounts do not say whether cultivated or not.	The first two are signed by the Amins and bear the stamp of Mr. Smith, Collector, and the third signed by the Amin alone.
1252 ...	585	0	do.		
1253 ...	585	0	do.		
Joint rent Putta of Fasli 1253.	171	20	Wet.	(Area rented out.)	Bears the signature and seal of Mr. Prendergast, Collector.
1264 ..	432	0	Wet.	Cultivated.	Signed by the Amins.
1264 ...	485	60	do.	(Ayacut) fieldwar. Dry and Wet included in one field.	

II.—*Accounts sent by the Zemindar.*

	A.	C.		
1244	585	0	Wet	Signed by the Curnam.
1254	585	0	do.	
1255	585	0	do.	
1260	485	0	do.	Cultivated. Signed by the Samutdar.
1262	416	0	do.	Signed by the Deputy Amin and bears the stamp of the Collector, Mr. Purvis.
1263	485	60	do.	
1261	446	0	Wet	Signed by the Curnam fieldwar; particulars are given.
	377	0	Cultivated.	

III.—*Accounts of the Collector's Office.*

	A.	C.			
1243 ...	522	20	Wet	Ayacut area rented out. These accounts do not state whether cultivated or not.	Not signed by any officer.
1255 ...	504	2½	do.		
1262 ...	485	60	Wet	.....	
	417	0	do.	Cultivated.	

11. The Government Order of the 31st October 1865 quoted above in paragraph 1, and that dated 16th January 1864, No. 101, direct that we are to be guided by the *customary wet cultivation*. But the question was long discussed in the case of the large and important Zemindaries of Baharzhally and Nidadavole, and it was then recommended by the Board of Revenue, and approved* of by Government, that our criterion must be the wet Gudikat, not the cultivation entered in the accounts; and this rule has been followed in the case of certain villages in the Pittapur Estate.—*Vide* Board's Proceedings, dated 10th June 1872, No. 947.

* In their Proceedings, dated 13th May 1872, No. 764, communicated with Board's Proceedings, dated 22nd Idem, No. 3,709.

12. Does the rule followed in regard to the Baharzhally Estate modify the orders of Government, dated 31st October 1865 and 16th January 1864, No. 101 ? Is that rule to be followed in *all cases*, or is Baharzhally to be considered a special case, as may be inferred from the wording of the Government Proceedings, dated 13th May 1872, No. 764 ?

13. The circumstances of the Pittapur Estate are very different from those of Baharzhally. Moreover, no charge has been imposed upon the Pittapur Zemindar for maintenance as in the case of Baharzhally, and he has therefore, I believe, through oversight, been even more favourably treated.

14. In the present case, the wet Ayacut is entered in the accounts of Faslies 1244, 1250, 1252, 1253, 1254, and 1255, as 585 acres ; and in those of Faslies 1260, 1261, 1262, 1263, and 1264 as 485 acres 60 cents. On the former, the Zemindar relies and claims 585 acres. The Tahsildar recommends the latter, viz., 485 acres 60 cents, whereas the greatest extent shown by the accounts to have ever been cultivated as wet is 432, and that which has been customarily cultivated still less. In the present case, the questions are—

Whether the Ayacut or the extent cultivated is to be considered wet. If the former, which of the two accounts of Ayacut is to be accepted ; and if the latter, is the greatest extent ever shown to be wet cultivated or only that shown to have been customarily wet cultivated to be considered entitled to water free of all charges.

15. In cases in which it was possible to ascertain the fields formerly irrigable by old sources, the Board have allowed those fields as usual wet, and ordered that whatever extent is cultivated in those fields by anicut water, they should be exempted from water-tax. But in the village in question, most of the fields were partly wet and partly dry, and it is not therefore possible to settle fieldwar ; for, the wet and dry portions of each field are not marked out on the field.

Board's Proceedings, dated 25th July 1873, No. 1,388.

16. The Zemindar attributes the decrease in the wet area in the accounts from Fasli 1260 to their preparation by the Curnams at their pleasure.

6

17. The Board have directed that the ruling laid down with regard to the Baharzhally Estate should be followed in settling with the Pittapur Zemindar, and this rule has been followed in the villages alluded to in their Proceedings, dated 10th June 1872, No. 947; but as the circumstances of the two estates are very different, as no charge has been made in the case of Pittapur for maintenance of irrigation works, and as the Government interests are very largely involved, I venture to submit the question for consideration.

Turangi.	Paterlagadda.	Repur.
Konnada.	Bhavanaram.	Domada.
Gunganapully.	Kakakuduru.	Karapa.

18. All the papers connected* with the subject are enclosed for perusal and return.

* As per accompanying list.

(True Copy.)

(Signed) R. SEWELL,
Assistant Collector,
for Acting Collector.

The Board agree with the Collector that the Gudikat area should be taken as the mamul wet entitled to free irrigation.

2. No charge need be made on account of the maintenance of irrigation works saved to the Zemindar by the introduction of the anicut channels.

3. The Gudikat area in the case under notice may be taken at 585 acres, which is the extent entered in the earliest accounts available. As a rule, when the entries in the accounts differ, the largest area recorded should be taken as the standard.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of the Godavery District.

Copy to the Director of Revenue Settlement.

Exd. W. H. French.

1874.
Board of Revenue,
MADRAS.

PROCEEDINGS, 8TH APRIL 1874, No. 777.

Encl.

Received.

APRIL.
No. 777.

Pittapur Zemindari—in Godavery District.—Instructions issued to Collector for determining usual wet land entitled to free irrigation in Duggudurru Village of—

S/1776

No. 1,831.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 2nd July 1875.

Read the following letter from W. S. FOSTER, Esq., Acting Collector of Godavery District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Cocanada, 27th May 1875, No. 225:—

IN their Proceedings of the 14th January 1874, No. 56, and paragraph 5 of their Proceedings of the 25th July 1873, No. 1,388, the Board of Revenue have accepted the proposal that the refunds of water-tax collected on dry lands converted into wet were not to be made; but in their Proceedings of the 5th June 1874, No. 1,356, the Board observe that, in making the refunds of past collections in Turangi and Karapa, the Collector may adopt the same course as that sanctioned for Bhavvaram in paragraph 2 of their Proceedings, dated 14th January 1874, No. 56.

2. The Board will observe that the amount entered in the statement sent with my letter of the 30th May 1873, No. 169, as collected in Turangi (Rupees 210-13-1) is the water-tax on lands admitted to be dry. In Karapa Rupees 3,690-15-4 are of the same nature. I suppose the Board meant that if any refunds were to be made the course sanctioned for Bhavvaram should be adopted, not that the money collected on lands admitted to be dry should be refunded. I requset to know whether I am right. I have refused to make the refunds.

3. The Board observe in their Proceedings of the 5th October 1874, No. 2,884, that in the village of Vemulavada the 152 fields said to contain 525 acres of wet land should be measured, and the acreage obtained treated as mamool wet. Supposing that the measurement shows the acreage to be 700 acres, and supposing that there are only 500 acres of usual wet lands and 200 acres of dry land converted into wet irrigated in a year, should there be no charge at all? The order seems to mean that there should not be any charge. In deciding the extent of wet land in Karakuduru (Board's Proceedings, dated 26th November 1874, No. 3,412) the Board said again that the acreage of the nominal extent of 457·60 should be treated as wet, but came to the conclusion that "the 'Ava' land cannot be treated as wet, but came to the conclusion that "the 'Ava' land cannot be treated as mamool wet." Supposing the acreage of wet fields to be 600 acres and the extent of wet fields irrigated in any one year to be 450 acres, and supposing 100 acres of the "Ava" are irrigated too, should "Ava" be not charged?

4. I am myself of opinion that when Fieldwar settlement is made in any village the fields decided on to be wet, and those only, should be exempted from water-tax, and that all other fields should be charged for water. But this seems to be opposed to Board's Proceedings, dated 5th June 1874, No. 1,356. If the settlement, however, is made for a village without Fieldwar particulars, we may charge the excess cultivation over the exempted area, as we cannot distinguish what is dry and what is wet. I request the Board will give me a clear expression of their opinion.

No refunds should be made to the *ryots* when water-rate is collected on lands admittedly dry, but if nothing is due from the village on the whole, any collections made on dry lands should be refunded to the Zemindar with whom the settlement is made, *vide* paragraph 1, Board's Proceedings, dated 5th June 1874, No. 1,356.

Paragraph 2 of the Collectors letter.

2. There should be no charge at all on the 700 acres in Vemulavada, notwithstanding that 200 of those were dry converted into wet.

Paragraph 3.

3. In Karakuduru, the whole 450 acres should be exempted from water-rate, because the extent is less than the whole area allowed as usual wet.

Paragraph 3.

4. The Board do not agree with the Collector that water-rate should be charged with reference to the fields. Although the extent of fields has been taken into account in determining the area to be allowed as mamool wet, still the settlement is made for the whole village, and so long as the total area allowed as entitled to free irrigation is not exceeded, it does not matter whether the particular field irrigated was originally wet or dry.

(A true Copy and Extract.)

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

To the Collector of Godavery District.

Exd. W. J. Lewis.

1875.

Board of Revenue,

MADRAS.

PROCEEDINGS, 2ND JULY 1875, No. 1,831.

Encl.

Received Rec 4273/75

JULY.

No. 1,831.

Water-rate—on dry lands converted into wet in certain villages in Godavery District.—Instructions issued to Collector as to whether refund of — should be made, and whether such a rate should be charged in Vemulavada and Karakudurn Villages.—Board do not agree with Collector that water-tax should be charged with reference to the fields.