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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue

DEPARTMENT

G.O. No.
B.P. No.

1076

Press
Mis.

Dated 11.8.1876. 196 .

Not to be folded or roughly handled

No. 89. Read the following Proceedings of the Board of Revenue, dated 13th July 1876, No. 1,793:—

Read the following letter from G. D. LEMAN, Esq., Collector of Kistna District, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Masulipatam, 1st June 1876, No. 914:—

I HAVE the honor to submit, herewith, a statement illustrating the severity of the rule laid down in Board's Proceedings, dated 6th April 1875, No. 826, and of Clause 6, Rule I. of the Delta Water-tax Rules.

2. Nos. 1 to 27 are cases in which assessed waste lands were cultivated wet without permission, and Nos. 28 to 31 are cases in which putta lands were irrigated without application for water.

3. Columns Nos. 6 to 9 show the extent actually cultivated and the amount of assessment and water-tax payable thereon; while Columns Nos. 10 to 13 show the amount actually charged.

4. This statement exhibits the cases that occurred only in the Gudivada Taluq. I have no doubt that there are many such cases in the other Delta Taluqs of the district.

5. The ryots vehemently complain of the harshness of the rules referred to. The property of some ryots is under attachment.

6. I request therefore that the Board will let me know whether both these rules are to be rigidly enforced. Manifestly in some cases the ryot must be ruined if it be.

ENCLOSURE No. 1.—Statement.

WITH the foregoing letter the Collector of the Kistna District submits a statement illustrating the severity of the rule laid down in Board's Proceedings, dated 6th April 1875, No. 826, and Clause 6, Rule I. of the Delta Water-rate Rules. The former order permits the issue of putta in cases of cultivation without durkhast, should inquiry at the Jumma-bundy show that there is no objection to such a course, but the exact bearing of this order on the cases brought to notice is not explained. It appears, however, that the Collector considers that he is precluded by the rules from charging assessment on the portion of the field cultivated, and accordingly assessment has been charged on the whole area. The Board observe, G.Os., dated 28th January 1875, No. 148, and 26th February 1875, No. 312. however, that under recent orders durkhasts may be accepted for portions of fields, and no minimum is prescribed. There is nothing therefore to prevent the actual area cultivated being charged for, the item being kept under Sevoy jamma until the field can be subdivided and a putta issued for the portion taken up. If the Curnams were required to send to the taluq along with the monthly cultivation accounts, a memorandum showing the lands cultivated without durkhast, the Tahsildar might make the necessary inquiries through the Revenue Inspectors and the subdivisions might be effected and the cases disposed of at the Jumma-bundy. There is nothing in the rules which requires the levy of assessment on the whole field, and no hardship need result from the operation of the order referred to as far as the assessment is concerned.

*Proceedings of the Madras Government, Revenue Department,
11th August 1876.*

2. As regards water-rate, lands cultivated without durkhast are in the same position as lands entered in the putta, and when no application for water is made Clause 6, Rule I., applies. The hardship of this rule has already been brought to the notice of Government and an amendment was proposed in Board's Proceedings, dated 17th September 1874, No. 2,658, but the Government declined to sanction any alteration in the existing rules which had then only lately come into force until they had been tested by actual practice (G.O., dated 31st January 1875, No. 35). The statement shows that in many cases the omission to apply for subdivision and irrigation of a particular portion of a field has entailed ruinous loss, as much as Rupees 161-4-0 being the charge in one case for land in respect of which the assessment and water-rate on the area actually cultivated amounted to only 5 Annas.

3. The Board consider that the cases now brought to notice show conclusively that some alteration of the rule is necessary, as it could never have been the intention of Government to inflict so severe a penalty for neglect to apply for water as results from a strict enforcement of the clause referred to. They resolve to recommend therefore that the Collectors of the Kistna and Godavery Districts be called upon to report fully on the subject, stating the extent to which Clause 6 Rule I. has been enforced, how far it has operated to the injury of the ryots, and the modification which they would suggest. Meanwhile the Board suggest that the Collectors of those districts should be vested with discretionary power to remit the whole or a portion of the penalty whenever it is shown that great hardship will result from a strict application of the rule in question.

4. The Board observe that Mr. Leman appears to have placed an erroneous interpretation on the words "not previously irrigated" in Rule V. He has charged double water-rate on all lands classed as dry, except in Case No. 28, and single water-rate on land classed as wet. The words quoted clearly refer not to the classification of the land in the accounts, but to the circumstances whether water was taken without former application to land not previously supplied, whether classed as dry or wet.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 90. ORDER THEREON, 11th August 1876, No. 1,076.

Land Revenue, No. 2.

THE Government agree with the Board that the alleged hardship caused by charging the assessment on entire fields in the case of only portions of them being taken up for cultivation without Durkhast is the result of a misconstruction of the rule on the subject, which does not prevent imposition of proportionately reduced assessments on the area taken up.

2. As regards the operation of the rule regarding water-rate, the hardship is probably one that should be removed. The Government adopt the suggestion of the Board to call for early report instancing cases of positive hardship, and stating to what

*Proceedings of the Madras Government, Revenue Department,
11th August 1876.*

extent it probably operates to keep land out of cultivation. Meanwhile, the Collectors will be instructed to place demand in abeyance pending final orders, wherever the hardship in their opinion is such as to call for the adoption of the measure.

(True Extract.)

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

To the Board of Revenue.

Exd. W. H. French.

Memorandum

Board's Proceedings 13 July
1876 No 1793.

In these Proceedings, Mr. Colley
submitted a letter from the Collector
of the Khetna District enclosing
a statement illustrating the
severity of the rules laid
down in regard to lands
taken up & cultivation without
dukkhast or formal application.

(2) Is the case for which irrigation
charged for under water rate
rules, has been obtained.

The rules applying to the first
case were sanctioned in Feb.
3rd 1875 Nos. 180 & 312.

They permit cultivation of land
without dukkhast or applica-
tion subject to the issue of
Pukkah after inquiry at the
Jarnatundi.

Mr. Leman
charges the assessment on
the entire field, although only
a portion may have been
taken up under the rules.

This is no doubt a hardship;
but the authority for so doing

These proceedings
are not in the hands of
the Board

3/5

to the Board.
They were moved
after the Board.

Obdt. of 1876
REVENUE.

THE BOARD OF REVENUE.

Date August 11th.

Recd.

Encl.

G.D. 11th August 1876, No. 1076.

AUGUST.

No. 89-90.

Continuation of portions of fields without Dukhast
the Khetna District. Concerning with the
Board has been alleged hardship caused by
charging the assessment on entire fields in cases
of — as the result of a misconstruction of the rule
which does not prevent misconstruction of the rule
and allowing with instruction the Board's sug-
gestion for the removal of the hardship occasioned
by the operation of the rule regarding water rate.



has been no where given. On
the contrary, the proper course
is to charge the rateable
assessment on the actual
portion taken up. The Board's
remarks on this point may
therefore be approved.

The rule regarding the water
rate runs thus -

"Byot, taking water for a
portion of a field will be
charged on the whole, unless
the subdivision & cultivation
of a particular portion has
been previously sanctioned
by the Collector."

This the Board find fault with,
causes much hardship, & the
Collector's statement shows
beyond a doubt that it is so.

The Board recommend a relaxation
of the rule, & propose to
call for further information
from the Collectors of Godanug & Kistnagh.

In their order of 9th Jan'y 1875
No 35, the Government republishes
a similar proposal, observing
that the enactment of this rule
advocated by the Board (viz to re-
quire the rule prevailing in other
districts

Certainly

and loss to the State & population
10 times the pay of such officials

As per the suggestion of the Board
call for early report in instances
cases of position hard ship & other
a statement of extent & probably
derogates & keep land out of
cultivation.

In the mean time must
a place demand in obedience
pending orders.

31/7 MM

of charging water rate by the
half acre) "would throw upon
the Curnam & Revenue
Inspectors an amount of
work which could not be
performed even if they
honestly set about it, &
would, it is to be feared
lead to favoritism, bribery
fraud, & oppression". The
specific instances of hardship
now brought to notice call
for speedy remedy, & orders
are requested on this subject.

The remarks of this Board in para
4 are in accordance with
rule 5 of the Special water
rate rules, & the former
seems to be clearly wrong.

No. 1,793.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th July 1876.

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No. 1076
Order
7/11 August 1876

The Government agree with the Board that the alleged hardship caused by charging the assessment on entire fields in the case of part of them being taken up for cultivation without durkhast is the result of a misconstruction of the rule in the subject, which does not prevent irrigation of proportionately reduced amounts of the area taken up—

As regards the operation of this rule regarding water taking, the hardship complained of is not the intended. The Government adopt the suggestion of the Board to call for early reports of the cases of excessive hardship & stating how far it is probable operates to keep land out of cultivation—Meanwhile, the Collector will be instructed to place demand in arrears pending final orders, wherever the hardship in his opinion is such as to call for the application of the rule—

Ind. Secy. to Secy. (Revenue) 14/8/76
14/8/76
14/8/76

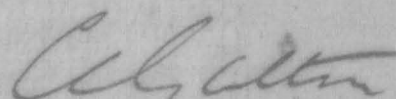
R. L. to Secy. (Revenue) 5/8/76 R. J. Aug. 7/8/76
C. 29/7/76 R. S. Aug. 7/8/76

2. As regards water-rate, lands cultivated without durkhast are in the same position as lands entered in the putta, and when no application for water is made Clause 6, Rule I., applies. The hardship of this rule has already been brought to the notice of Government and an amendment was proposed in Board's Proceedings, dated 17th September 1874, No. 2,658, but the Government declined to sanction any alteration in the existing rules which had then only lately come into force until they had been tested by actual practice (G.O., dated 9th January 1875, No. 35). The statement shows that in many cases the omission to apply for subdivision and irrigation of a particular portion of a field has entailed ruinous loss, as much as Rupees 161-4-0 being the charge in one case for land in respect of which the assessment and water-rate on the area actually cultivated amounted to only 5 Annas.

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(A true Copy and Extract.)


Acting Secretary.

To the Secretary to Government, Revenue Department,
with original Statement to be returned.
,, the Collector of Kistna District.

Copy to the Collector of the Godavery District.

Exd. W. H. French.

14-0-9 1/2 Aug 1750 1751-78
 28 302-302
 26 28 324-28
 21 April - 34/100

13022
 1876. 24th

BOARD of REVENUE,
 MADRAS.

PROCEEDINGS, 13TH JULY 1876, No. 1,793.

20/22 July 176

Encl.

20th 10/76 - 11 Aug - 1876

One

Received 27 July 176

JULY.
 No. 1,793.

Cultivation of portions of Fields with
 Durkhast.—Issuing instructions to Collector of
 Kistna as to how assessment should be charged
 in cases of—; recommending that this off-
 and Collector of Godavery be called upon
 report how Clause 6 of Rule I. of Delta Water-
 rate Rules has operated, and what modification
 they would propose; and suggesting that they
 be vested with discretionary power to rent
 whole or portion of penalty wherever it is shown
 that great hardship has resulted from strict
 application of the rule.

R. C. & H. M. M. S. 5. 1876. R. 1. 1876
 C. 29. July 176. R. 5. 1876

C. 29. July 176 R. 5. 1876