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(2) Date of repair 25-4-1984

(3) Initials of the Referencer

# TAMIL NADU ARCHIVES

## GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

| | | |
|---|---|---|
| G.O. No. / ~~B.P. No.~~ | 1178 | Press. / Mis. |
| Dated | 26-7-1878 | ~~197~~ : |

*Not to be folded or roughly handled*

Archives I—5,806—24-2-78.

1178
1

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

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26th July 1878, No. 1,178.

Read the following paper :—

No. 353. Proceedings of the Board of Revenue, dated 14th February 1878, No. 392.

Read the following letter from W. S. WHITESIDE, Esq., Collector of North Arcot, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Chittoor, 25th January 1878, No. 16.

ADVERTING to paragraph 2 of the Board's Proceedings, No. 2,546, dated 10th October 1876, I have the honor to forward herewith a statement showing, on an average of five years, the amount charged for waste in tank-beds in this district, and the Board will perceive therefrom that the annual loss of revenue likely to be occasioned by granting remissions for tank-bed lands will amount on an average to so considerable a sum as about Rupees 14,000.

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ENCLOSURE No. 1.

STATEMENT showing on an Average of five years the Amount charged for Waste in Tank-beds in the District of North Arcot.

| District. | Cultivation in Fasli 1285. | | | | Waste charged in Fasli 1285. | | | | Average Amount charged for waste in last 5 Years. |
|---|---|---|---|---|---|---|---|---|---|
| | Dry. | | Wet. | | Dry. | | Wet. | | |
| | Extent. | Assessment. | Extent. | Assessment. | Extent. | Assessment. | Extent. | Assessment. | |
| | ACRES. | RS. | ACRES. | RS. | ACRES. | RS. | ACRES. | RS. | RS |
| North Arcot.. | 5,037 | 7,493 | 4,611 | 24,239 | 3,076 | 6,890 | 1,865 | 9,010 | 14,340 |

CHITTOOR,
25th January 1878.

(Signed) W. S. WHITESIDE,
Collector.

---

SUBMITTED for the orders of Government with reference to G.Os., dated 12th August and 19th September 1876, Petition Department, and Board's Proceedings, dated 10th October 1876, No. 2,546.

2. The statement submitted by the Collector shows that a large extent of land situated within the beds of tanks in the North Arcot District is occupied and annually cultivated; it had been the invariable rule that no remission should be granted on such lands until the Government, in their Order of the 12th August, directed that until the demand is revised by the Settlement Department remission must be granted whenever the holders are prevented from raising a wet crop owing to the submersion of their lands. The amount charged for waste in tank-beds has averaged no less than Rupees 14,000

G.O., 19th September 1876. during the last five years, and further loss will result from the levy of the highest dry rate in lieu of the wet assessment when vegetables or dry crops are raised after the water recedes. The Board

consider that this sacrifice of revenue is uncalled for, and respectfully request a reconsideration of the order of Government, which the Board have directed the Collector to consider applicable only to the particular cases disposed of till further orders. The practice of the district as regards refusal of remissions must be well known to the ryots who have taken up such lands, and the profits derived from the cultivation thereof, when a crop is secured, are large. The re-settlement of the district is now in progress, and occupied land within the water-spread will be dealt with on the principles approved by the Board and Government for the treatment of similar cases elsewhere; the Board, therefore, submit that the rule hitherto in force should be adhered to until the settlement is introduced.

(True Copies and Extract.)

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

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No. 401.

No. 354. OFFICIAL MEMORANDUM.

IN reply to Official Memorandum from the Revenue Secretary to Government, dated 4th April 1878, No. 83, the undersigned has the honor to forward copy of G.O., dated 19th September 1876, Petition Department, and to state that the principles alluded to in Board's Proceedings, dated 14th February 1878, No. 392, have been recently discussed in Board's Proceedings, dated 29th November 1877, No. 5,107, reviewing the scheme for the settlement of the Cumbum and Markapur Taluqs and approved in G.O., dated 1st April 1878, No. 502. Reference is made at paragraph 6 of those Proceedings to previous correspondence bearing on the subject, and copies of the Board's Proceedings were furnished therewith.

(By order,)

MADRAS,
26th April 1878.

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

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No. 355. ORDER THEREON, 26th July 1878, No. 1,178.

Land Revenue, No. 11.

HIS GRACE the Governor in Council has had under consideration the "principles" adverted to in the foregoing papers as governing the treatment of tank-bed cultivation.

2. These principles are, it is stated, those recently discussed in the Board's review of the scheme for the settlement of the Cumbum and Markapur Taluqs and approved by Government in G.O., 1st April 1878, No. 502.

3. The Board's opinion was that, as recommended by Mr. Rundall, all such land should be classed as "wet" as in Nellore, with the exception of land in the upper margin not generally submerged; and accordingly they recommended the adoption of the course followed in Nellore and the principles indicated in their Proceedings, 12th August 1876, No. 2,049, adding: "The fact that it is advisable to rate such lands so as to discourage, as far as possible, extension of cultivation must not be lost sight of."

Paragraph 6, Proceedings, 20th November 1877, No. 5,107, recorded in G.O., 1st April 1878, No. 502.

4. In the Proceedings alluded to is found the following instruction:—"Timely notice should be given to the ryots individually of the intended transfer from dry to wet, so that they may have an opportunity of relinquishing their holdings if so inclined; but if they prefer to retain them under the new classification, they must be made distinctly to understand that they will not be entitled to remission under the rules. It will, however, be

Paragraph 4, Board's Proceedings, 12th August 1876, No. 2,049.



1178/2

open to the Collector after the transfer has been effected to grant remissions on condition of permanent relinquishment as provided in Board's Proceedings,* No. 2,886, of 12th July 1871, and, as therein laid down, to encourage such relinquishments remissions should be freely offered." It is noted that Mr. Rundall had, in paragraph 9 of his letter on which the Board passed these Proceedings, observed as follows:—"I believe it to be a rule in settled districts that tank-bed lands are non-liable to any remission whatever. In Nellore wet lands left waste within the tank-bed from excess of water are always held liable for the wet assessment and not treated as other lands."

* Paragraph 2: "No remission should be given except on condition of permanent relinquishment. To encourage such relinquishment, remission should be offered freely."

5. The Government Order, with reference to tank-bed arrangements in Cumbum and Markapur, was as follows:—"As regards tank-bed cultivation the Government accept Mr. Rundall's view concurred in by the Board, viz., that all such land should be treated as 'wet,' excepting some usually cultivated with dry crops on the upper margin of large tanks."

Paragraph 7, G.O., 1st April 1878, No. 502.

6. The reference from North Arcot recorded above has induced the Governor in Council to modify somewhat the view which he adopted in regard to Cumbum and Markapur; and he accordingly desires that the Board will follow the course prescribed in this order, wherever a revised settlement is in progress.

7. They will further ascertain and report how far settlements already made on the "principles" above adverted to will require amendment if the present views of Government are adopted in districts already settled. The amount involved by a change of classification and the extent of land which may have been relinquished under the plan heretofore pursued should be stated for the information of Government and for such further orders as may appear necessary.

8. His Grace in Council agrees with the Board that the interests of the State and the holders of tank ayacuts require the most careful conservation of the water required for cultivation, and that it should only be drawn off with care and economy as needed for the irrigation of a defined and limited area. The longer water can be retained the better for the purposes for which the tank is made.

9. The objects of the tank-bed cultivator are directly opposed to this course. He would prefer to have the water lowered so that his fields may not be submerged when the cultivating season commences, and this diversity of interests often results in waste of water, which cannot be replaced, and consequent loss of produce. There can be no question that the right of the ayacut holder which is also that of the State is paramount.

10. Moreover, the silting up of tanks is an evil of very great magnitude. The more the soil is loosened and turned up by cultivation on the exposed areas of tank-beds when the water is low, the more readily will it be carried into the deep tank-bed by the next fall of rain. The digging up of a tank-bed will also facilitate the absorption of the water thereby and its infiltration to the lower soil and consequently to some extent diminish the retaining power of the tank.

11. These objections to tank-bed cultivation have a real and material importance, and give good ground for prohibiting the practice in some, if not in all, cases.

12. The Governor in Council is, however, of opinion that as regards ordinary shallow rain-fed tanks it will not be necessary to insist on such prohibition. It is only in the cases of river or channel-fed tanks formed at much cost at public expense that protection should be afforded from anything which can appreciably shorten their endurance or tend to diminish capacity.

13. He resolves, therefore, to direct that in tanks falling under the first category no interference with tank-bed cultivation be permitted, while in those falling under the second-class, cultivation of tank-beds shall be prohibited, except when certified by the department in charge of the irrigation concerned that the circumstances render it unobjectionable.

14. The first thing will be to settle under which class existing tanks fall, and in the case of "prohibited" tanks, the measures necessary to bring the cultivated tank-bed area, should such exist, under poramboke. Fair compensation must, of course, be allowed and the Land Acquisition Act brought into force if other means fail. The particulars of cost, &c., connected with this measure will form one of the items in each fresh settlement report.

15. In regard to the question of remission which brought up the present discussion, in ordinary circumstances every thing would depend on the classification; but the North Arcot case shows that even for wet waste it has not been usual, in such cases, to give remission. It appears to the Governor in Council that as the tank-bed cultivator occupies his field with the knowledge that it is intended to be, submerged for as long a time in the year as water can possibly be retained, and as often as the tank can be filled, and with the chance that in a season of scanty rainfall he will get a large crop and good prices, or in a wet year but little crop and low prices, while the very situation of his land renders it available only when the water subsides, it is only fair that he should pay with reference to the somewhat precarious conditions of his cultivation. But it is not reasonable that he should be allowed remission as a holder of wet land for injury arising either by excess or deficiency of water; for, in the former case, he knowingly takes land situated below the water-level, and therefore necessarily submerged until the cultivators of the legitimate ayacut have exhausted the water as gradually as they find expedient; and in the latter case, it is to the deficiency of the water in the tank that he owes the power to cultivate at all. It follows, therefore, that the land should be classed as dry, and this will carry with it the obligation to pay in all ordinary circumstances. Remission, it must be understood, will not be allowed.

16. It will probably be desirable to assess a special dry rate on this cultivation which would, as a rule, be inadequately charged at the highest ordinary dry rate of a village. The advantage of working in good soil with a fair amount of permanent moisture should enable the cultivator to pay a higher rate than usual for the exercise of a privilege which, on many accounts, it is not the interest of Government to encourage.

17. The rates already in force in unsettled districts will be considered "*pro tem.* special dry rates" until the settlement takes place, unless such an arrangement is obviously unfair to the ryot.

(True Extract.)

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

To the Board of Revenue.
" the Acting Director of Revenue Settlement.

Exd. F. R. Bantleman.

No. 392.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th February 187

Read the following letter from W. S. WHITESIDE, Esq., Collector of North Arcot, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Chittoor, 25th January 1878, No. 13:—

ADVERTING to paragraph 2 of the Board's Proceedings, No. 2,546, dated 10th October 1876, I have the honor to forward, herewith, a statement showing, on an average of five years, the amount charged for waste in tank beds in this district, and the Board will perceive therefrom that the annual loss of revenue likely to be occasioned by granting remissions for tank-bed land will amount on an average to so considerable a sum as about Rupees 14,000.

ENCLOSURE No. 1.

STATEMENT showing on an Average of five years the Amount charged for Waste in Tank-beds in the District of North Arcot.

| District. | Cultivation in Fasli 1285. | | | | Waste charged in Fasli 1285. | | | | Average amount charged for waste in last 5 years. |
|---|---|---|---|---|---|---|---|---|---|
| | Dry. | | Wet. | | Dry. | | Wet. | | |
| | Extent. | Assessment. | Extent. | Assessment. | Extent. | Assessment. | Extent. | Assessment. | |
| | Acres. | Rs. | Acres. | Rs. | Acres. | Rs. | Acres. | Rs. | Rs. |
| North Arcot | 5,037 | 7,493 | 4,611 | 24,239 | 3,076 | 6,890 | 1,865 | 9,010 | 14,349 |

(Signed) W. S. WHITESIDE,
Collector.

CHITTOOR,
25th January 1878.

SUBMITTED for the orders of Government with reference to G.Os., dated 12th August and 19th September [illegible] Department and Board's Proceedings, dated 10th October 1876, No. 2,546.

2. The statement submitted by the Collector shows that a large extent of land situated within the beds of tanks in the North Arcot District is occupied and annually cultivated; it had been the invariable rule that no remissions should be granted on such lands until the Government, in their Order of the 12th August, directed that until the demand is revised by the Settlement Department remission must be granted whenever the holders are prevented from raising a wet crop owing to the submersion of their lands. The amount charged for waste in tank-beds has averaged no less than Rupees 14,000 during the last five years, and further loss will result from the levy of the highest dry rate in lieu of the wet assessment when vegetables or dry crops are raised after the water recedes. The Board consider that this sacrifice of revenue is uncalled for, and respectfully request a reconsideration of the order of Government, which the Board have directed the Collector to consider applicable only to the particular cases disposed of till further orders. The practice of the district as regards refusal of remissions must be well known to the ryots who have taken up such lands, and the profits derived from the cultivation thereof, when a crop is secured, are large. The resettlement of the district is now in progress, and occupied land within the watered spread will be dealt with on the principles approved by the Board and Government for the treatment of similar cases elsewhere; the Board, therefore, submit that the rule hitherto in force should be adhered to until the settlement is introduced.

G.O., 19th September 1876.

(True Copies and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department.
Copy to the Collector of North Arcot.

Exd. W. H. French.

1178/4 Petition Department

Proceedings of the Madras Government

Read the following papers

| | |
|---|---|
| Petition from Sooriamaranier Ramier & others Inhabitants of Semathanghee No. 157, Wallajah Talug, North Arcot Dt. through Messrs. Grant & Grant. | Dated 10 July/76 No. 1401 |

Pros. of the Board of Revenue — 4 Septr./76.

Order thereon 19 September 1876.

The Board have rightly interpreted the intention of Government.

(True Extract)
(Sd) W. Farewill Coll.
Offl. Under Secy. P.W.D.

To
The Board of Revenue

(True copy)

Asst. Secretary

1878.
...ard of Revenue
MADRAS.

...NGS, 14TH FEBRUARY 1878, No. 392.

Encl.

FEBRUARY.
No. 392.

...in Tank-beds in North Arcot District.—
...ng to Government statement from Col.
...owing on an average of five years the
...charged for —, and requesting a recom-
...n of the order regarding grant of re-
...on such lands.

1178
5

No. 401.

Official Memorandum

In reply to O.M. from the Revenue Secretary to Government ✓ 4th April 1878 No. 83 the undersigned has the honor to forward copy of G.O ✓ 19th Sept. 76 Pub. Depart. & to state that the principles alluded to in Board's Proceedings ✓ 14th Feb. 78 No. 392 have been recently discussed in Board's Rov. ✓ 29th Nov. 77. No. 5107 reviewing the Scheme for the Settlement of the Cumbum & Markapur talugs & approved in G.O ✓ 1st April 78 No. 502. Reference is made at para 6 of those Proceedings to previous correspondence bearing on the Subject & copies of the Board's Rov. were furnished therewith.

Revenue Board Office, Madras 26 April 1878

By Order

A. Secretary.

To The Secretary to Government R.D. with copy of G.O ✓ 19 Sept. 76. Pub. Depart.

Enclosure to Board's Proceedings ✓ 26-4-78 No. 1178. Revenue Department.

From The Secretary to Government Public Department.

To The Secretary to Government Revenue Department.

Dated Fort St. George 19th September 1876.

No. 401.

Sir,

1178

REVENUE DEPARTMENT.

No. 884.

From Prov. Board of Revenue

Dated 14 February 1878.

FOR ORDERS.

I think the Board need not require an application to be granted in writing. If heard within reasonable time after Calcutta hearing, Govt. say no objection

See no reason to reconsider the order in question — the equitable principle remains the same.

But Govt. may think proper to assess, although elsewhere liable

No. 1814

Revenue Department

Copy forwarded

To

The Secretary to

Government N.W.P.

Dated 26th April 1878

Rec'd [illegible]

Enclosure

Order No. 884 dated 14th February 1878

from Board of Revenue

Forwarding copy of

letter No. 10 dated 10th April 1878

from Commissioner of Allahabad stating that

the Assessee of Mauzah Kheri Pargana

Tirwa Tahsil Kanauj District Farrukhabad

is entitled to a refund of Rs 21/9/8

Rs 21/3/2 have been remitted

direct on their Pro.

Government for the balance

from Respondent Talukdar.

N.W.P. Rec. Pro. 1878 No. 1814

Rec'd 5-5-78 Rec'd 22-5-78

Copies to Rec'd 14-5-78 Rec'd 16-5-78

plied roughly to these
lands / anticipating
until the ground
is better known
progress is completed
2/3 DR

Very well. I accept
the compromise.

29/3/73

Yr. Sincerely that
this proposes to return
to principle of Irrigation
& Co. to purpose of
which I think necessity
Rel. of lease.

Yesterday about 4th
Heard the Mississippi
overflowed

Apl 1873

I think it is
desirable not to
encourage these cultivators
where terms proposed
by the Directors of the
Bank

Memo

Expect inability to drain my
Farm — Have entertained for
years the strongest suspicions
— the result of large abstractions
of the Mississippi waters — the
cultivation of hundred thousand acres
— Hundred thousand acres
of alluvial most fertile is
keeping waste throughout
the dry season that do
not employment of four
to 1000 — The cultivation
that is especially unsuit-
-able of irrigation & not
useful cultivation ar-
Subsequent —
the flow by current —

Conveyance the Tank
are of Silt = causing
them cause a more
of the tank fills with
Sand —

3rd after each the
water in toto & the consequ
the occupation of all
cultivable Tank beds
for 10 or 15 Soon as
no longer occupied
by stored water
the Retention of Tank
beds of the water,
crop (by weather)
water ceases on

RC 25/3/58 R 29/3/58
RC 19/3/58 R 25/3/58
RC 7/3/58 R 15/3/58
C 4 Mar 58 R 7/3/58

FOR ORDERS.

Silt beds by inquisitive ryots
to silt up. Tanks must be
kept clean of Sand. The
opening of the Sluice to the
extent permitted
by the Tank
sitting up.

The Silt = brought
in by Rivulets &c
Rivers

1178
9

I have read with
great interest Mr
Grace's Minute on
Tank-bed Cultivation,
and I agree in much
that he has recorded.
The difference between
us is one of degree.
I have had much
opportunity of observing
the form of agriculture
— both in good & bad —
(when I simply believe
it to be invaluable)
Seasons, & confess that
I believe that the —
possible harm it can

Dissent with the Parish

Can Cause is far outstripped by the good that can be derived from the properly regulated cultivation of tank-beds - subject of course to watchfulness against Expedients to lower the water and I am sure that no private proprietor would consent to leave many acres of valuable land waste when not required for its primary object of water-storage

The cultivation is

1178/10.

is in fact a high class of dry tillage and I do not object to confine it absolutely to this kind of cultivation only.

I think the silting influence of such cultivation is scarcely appreciable and the slight stirring of a native plough really leaves the pan of the tank as impervious as ever - Of course decaying Vegetation is a drawback, when the Villagers resort to the tank in preference to their wells for drinking water

waters, but this is not
usual - we cannot
however prevent
weeds growing & their
decay is quite as
noxious as decaying
stubble - Manure is
probably never used.
Silt takes its place.
So that on the whole
I attach less importance
to the objections stated
than His Grace does.
I should personally
set them all aside
and permit tank-fed
Cultivation Everywhere,
and thus utilize
thousands of acres of
most valuable land
which

1178
11

which now lies waste
when labor is available
and food is needed.

However this fracas
Concession go far to
overcome my difficulty
in regard to the prohi-
-bition and I still hope
to see under his liberal
view the cultivation
extended under due
regulation & safeguard.

I entirely agree
with His Grace as
respects remission
(1) I would prohibit
or at least greatly
discourage wet
Cultivation altogether.
While water crop

are growing below the tank, there should be none in the tank spread - and even where by prescriptive usage, wet crops have been grown, I would refuse all remission for contingencies connected with the primary object of the tank water storage & the utmost the tank will hold however often recurring during the season.

(2) I would assess all dry cultivation at the highest dry rate of the village - and the

1178/12

Rules preclude remission except under exceptional circumstances and these can never apply to tank bed cultivation which from the nature of things is carried on, on the best and dampest soil in the village.

[illegible]

Bd Pro 1426
1878 No 392

1178/12

Draft order on Pet 884 seems to me to involve a contradiction and therefore should the papers again.

The draft refuses to reconsider the order made on the 8th ult. limits the principle of assessment approved & applied to the lands in question.

The lands are tank land lands and the previous order decided that "whenever the municipal obligation to submerge the land holders concerned are entitled to remission of rent so that obligation ceases the fact that a second crop of vegetables can be raised on the land" this arrangement is to continue until the Settlement Dept revise the demand

12 August 1876 on Petitions 1051 & 1481 of 1876.

equitably-

4 Subsequently the Govt approved the Bdb reading of this order as follows — In cases where owing to submersion land holders are prevented from raising a wet crop on irrigated land the wet assessment is to be remitted and the highest dry rate charged when negotiables or other dry crops are raised in such land instead of when the water recedes.

5 Again the Govt informed of this order being applicable only to the taluk belo of the particular village in which the question had been raised sending further orders.

6 Now the Board report on the whole District and request a reconsideration of the order which they think shd be cancelled and

× G.O. 19 Sept 1876 No 1481-

G.O. 14 Nov 76 No 1655

Pro 14 Feb 1878 No 392

× i.e. 4 charges not — words in brackets 1178/14

× Order 26 April 78 No 401-

Para 6 No 20 Nov 77 No 570 recorded in G.O. 1 April 78 No 502

the rule hitherto in force adhered to until the settlement is introduced when "occupied land within the water shed will be dealt with on the principles approved by the Board & Govt in the treatment of similar cases elsewhere"

7 The principles alluded to by the Board, are, the x days, those recently discussed in their review of the scheme for the settlement of the Cumbum & Markapur Taluks & approved by Govt in G.O. 1 April 78 No 502.

8 The Boards opinion was that, as recommended by the Bundobast, all such land should be classed as "wet", as in Nellore with the exception of land in the upper-margin not generally submerged and accordingly they recommended the adoption of the course followed in Nellore & the principles indicated in Pro 12 August 1876 No 2446 - adding "the fact

"that it is advisable to
"rate such lands so as
"to discourage, as far
"as possible, extension
"of cultivation must
"not be lost sight of."

9. Turning to the Prov:
alluded to the former
the following instruc-
tion - "Timely notice
"should be given to the
"ryots individually
"of the intended transfer
"for from this it may
"so that they may have
"an opportunity of re-
"linquishing those
"holdings if so inclined,
"but if they prefer to
"retain them under
"the new classification
"they must be
"made distinctly to
"understand that
"they will not be entit-
"led to remission un-
"der the rules. It will,
"however, be open to
"the Collector after the
"transfer has been ef-
"fected to grant remis-
"sion on conditions of
"permanent relin-
"quishment on pro-

Para 4 Bd Pro: 12 Aug 1876 No 2049-

* Para 2 ... "No remis-
sion should be given
except on condition
of permanent relin-
quishment. To en-
courage such relin-
quishments, remis-
sion should be offered
freely."

Para 7 G.O. 1 April 1878 No 582

11 B 15

"Pro: No 2886 of 12 July
"1871 and as therein
"laid down, to en-
"courage such relin-
"quishments remis-
"sions should be
"freely offered." It
is noted that Mr
Rundall had in
para 9 of his letter
on which the Board
based their Proceed-
ings observed as
follows - "I believe it
"to be a rule in settled
"Districts that tank-
"ed lands are non-
"liable to land remis-
"sion whatever. In
"Nellore wet lands
"left waste within
"the tank-bed from
"excess of water are
"always held liable
"for the most unfa-
"vourable not treated
"as other lands."
In Govt order
with reference to tank-
bed arrangements
as follows — "As
regards tank-bed cul-
tivation the Govt accept
Mr Rundall's view
concurred in by the

"Boards viz: that all
"such lands should
"be treated as "wet"
"excepting some usu-
"ally cultivated & to
"dry crops on the up-
"per margins of large
"tanks."

11 Now whether the
Govt intended it
or not the Board
are quite justified
in assuming that
Govt approve of
the principles above
detailed i.e. that
remissions are
not to be allowed
for net waste in
tanksbeds - and
they will read the
draft order now
circulated to mean
that Govt will
not recall their
former order granting
remissions.
They are willing
at once to apply
the principles of

The Bd Pro of 12 Aug
1876 No 2049 were
noticed in the
memo for orders
(para 8) on which
G.O. 1 April 1878
No 582 was based

1173
16

the new assessment
& refuse remissions.
Which involves an
absurdity -

12 It is clear from
the notes on the pre-
sent papers that, so
far at least as Sir
W. Robinson is con-
cerned, paragraph
7 G.O. 1 April last
No 582, was not
intended to con-
vey sanction to
the principles enun-
ciated by the Board
on the subject of
Tank bed waste.

13 It seems necessary
therefore to determine
(1) whether that order
is to stand simply
as it does as recom-
mended by the
Board and (2) if
it is to stand whether
the Board's present
proposal may not
be approved (with-
out the rule hitherto

Pro 14 Feb 78
No 392

enforce should be adhered to until the settlement is introduced.

B.P.

Regarding grant of Inamdars and on lands in Tank beds in Port Natal District.

1178/17

Revenue Depart.

Proceedings of the Madras Government under date the.

Read the following Proceedings of the Board of Revenue dated 14th February 1878 no. 392.

His Grace the Governor in Council sees no reason to reconsider the orders in question, the equitable principle remaining the same, but he has no objection to the principles of Assessment approved elsewhere being applied roughly to these lands by anticipation until the formal resettlement now in progress is completed.

× Vide para 7 G.O. 1st April 1878 no 502 R.D.

Wilkinson

Draft G.O.

Regarding

Tank Bed Cultivation

in North West Dist.

ccc

ACG 7-7-78.
AS 25-7-78.
A. 13-6-78



478/19

There is no doubt a want of clearness & precision - if not some contradiction in the several instructions arising & appears to me from a want of distinct understanding and unanimity on what is to be effected -

1st are Tank Beds to be cultivated or not?

There can be no doubt that the filling up of tanks is an evil of very considerable magnitude - & that there can be no doubt that the more the soil is loosened & turned up by cultivation - on the extended areas of Tank Beds when the water is low - the more readily will it

be carried into the deep tank bed by the fall of rain —

Nor that that loosened soil will be carried down as silt — by a rainfall which would not suffice to bring down the soil from distant cultivation — the tank bed escapes any cultivation disturbances & a greater or less degree the silting up of this tank

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There can be no doubt also that the loosening and digging up of a tanks bed — will facilitate the absorption of the water thereby and its infiltration to the lower soil — & consequently to

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some extent diminish the retaining power of the tank — another point — is the injurious effect — of decaying vegetable matter in the water — where this water is intended solely for irrigation — I should attach less importance to this point. but where the water is mainly intended for drinking purposes — the supply perhaps of a large city — there no better the water be filtered or otherwise purified — any amount of decaying matter should be deprecated —

treating then this 3d objection as one only depending in some special cases — the other 2 objections seem to me to have a real & material importance — and to give good grounds for facilitating in some way if not in all

the cultivation of the tank beds - In some as I have stated it will perhaps be right & proper to prohibit - absolutely - in others it becomes a question of consideration whether the evils outweigh the advantages of the crop to be won -

I should say that in the greater number of the classified tanks the reverse is the case - and that cultivation in such should not be prohibited - ~~such~~ tanks

Nevertheless & channelled tanks formed with much care and probably with state sanction should I think be absolutely protected summary ~~[illegible]~~ such can appreciably shorten the ~~[illegible]~~ endurance - or tend to diminish capacity -

I come then to the conclusion that in tanks falling under

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2

1st category - no interference with cultivation of the beds is necessary - while work going pari passu with the 2nd category - cultivation of tank beds should be prohibited except where excepted by the chief in charge of the irrigation concerned that the circumstances are such that no objection exists -

As with this third tank bed cultivation will be extensively permitted - it becomes necessary to consider with the question of remission.

How the tank bed ~~[illegible]~~ includes all land below the contour line of the level of the escape - the bund is constructed specially to retain all water that falls or runs into it - up to that

level - and it should only be drawn off with care & economy as needed for the irrigation of a defined & limited area -

The longer water can be detained in the tank the better for the purpose for which the tank is made - and for the State -

The tank bed cultivater therefore takes the place he cultivates with the knowledge that it is intended to be submerged for as long a time in the year - as water can possibly be gathered into it and filled as often as possible

The cultivater under the varying conditions - that in a year of scanty rain fall he will get a large crop and good prices - while in a

11 78/22

season of much rain he will get but little crop & low prices -

Whatever crop he grows he does from interests apparently charged the highest scale of any crop assessment - this appears right because the very situation of his land frequently prevents his having water to irrigate - & the [illegible] scientifically drying down the clay it is exposed -

It is now proposed or suggested that this cultivater be treated as wet and the cultivater receive remission as other cultivaters remission for injury by excess of water - and remission for deficiency of water - This seems to me wholly wrong - remission for

deficiency of water he cannot be entitled to claim it - is the deficiency of the water in the tank - that he owns the power to cultivate at all - ~~deficiency~~ exempsion for ex he cannot be entitled to for he knowingly takes land situate below the water level - and ~~such~~ such situation therefore must necessarily submerged until the wants of the cultivators & the legitimate ayacut - have exhausted the water - and which they must obviously as soon as gradually as they find expedient -

It may be said that to expose exemption is to discourage such cultivation such may be ~~to some extent~~ the consequence - but even if opinion it - is not the policy of



1178/23

the State to encourage such cultivation - for such only are those the objections among the tank bed cultivation set up an interest opposed to the interest of the cultivators of the ayacut - the cultivation is considered interest in getting the water beyond - just as well as their interest in having sufficiently wet - would the interest of the State and the interest of the cultivators of the ayacut - is to economise & retain the water - if through such diversity of interest water is drawn or wasted - the loss cannot be repaired - the water & so many means of grain yield. are gone for the year - and the ayacut - being for larger

than the cultivatable tank bed
~~the~~ interest of the former
which is also that of the
State is paramount

My conclusion is that
Tank bed cultivation
not being absolutely prohibited
is properly treated by
being charged as before
the highest scale dry rate
and should receive no
remission & should
~~[illegible]~~ issue orders
accordingly

[illegible] 10/5

I ~~[illegible]~~ understand that
G's intention is not
change existing assesst.
from uniform system
except on revision of

[illegible]
21.5.78

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assesst. throughout so T.

When "wet" assesst. is
now charged on tank bed
cultivn. it is I assume
to be maintained until
revision. When the principle
of G's [illegible] wd. be applied

I may remark however
that it will have far
from a discouraging
effect when the result
of the [illegible] existing
"wet" assesst. & dry
[illegible] without remission
& this effect wd. be produced
through [illegible]
& perhaps apparently
[illegible]

I incline to think that
a special dry rate wd.
properly be assessed
on this cultivn. when it
is not irrigated. ?

Enquire [illegible] B's Pro:
of [illegible] (G.O. 16 Apr 78)
the Bd. Pro: of 22 Aug 78
are within the bundle.

it sometimes is by taking
the liquor direct by
this process of indirectly
charge such cultivators
as a Sub. of H.G. Shadow Bd.
to Settl. Dept. & I am
afraid that it should
be discouraged

Re 17-7-78 1975-7-78

REVENUE DEPARTMENT.

No. 1178/25

From

Dated 187 .

FOR ORDERS.

Shown already
sent first note Sanctioned on
Second Grant:
Submitted
Please see Collr:
forwarded Asst
Dist. Supt of Police
for information
Sent with thanks
Returned to the
Commercial Asst in

is widely carried towards
the Interior of the Land
by the Drainage into it &
from it both ways.
Flowing both to & from
in many cases. But
Flows certainly in
in most flows

1178
26

FOR ORDERS.

Statement of amount claimed for work on Fort Richardson

R.C. 17-7-78 R.C. 5-7-78
R.A. 17-6-78 R. 22-6-78
R.C. 7-6-78 R. 14-5-78 R.C. 14-5-78 R. 16-6-78

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The Revenue Secretary has done right in bringing this matter again under Consideration of the members of Government; for doubtless some confusion has arisen — arisen possibly out of an attempt on the part of the Settlement Department and Board to deal as it seems to me with undue hardship

—possibly inexpressible as respects tank-bed lands.

These patches of cultivation are ancient properties held as Pattah [illegible] and are Entitled to Every Consideration to which right other property in the Country is Entitled to — and as I hold the cultivation of tank beds is not only in the main quite harmless so far as the interests of the tanks is concerned, but is a reasonable use of favorable soil, when no longer needed for the storage of water.

If we want to find whence silt is precipitated into the tanks we must look to the Expanse of dry cultivation above the tank, from which abundance of silt is washed down every time the surface is stirred — Let who would dream of stopping that cultivation or harassing its owners in order to prevent silt reaching the Tank? It is not the Tank bed land; so with Tank bed land; the improvement even of silt in tanks none is introduced by the

cultivation – must
necessarily be intermittent;
the more so because
the agriculture is for one
in the main dry – and
is pursued after the
water recedes & the
wash has passed

Under what influence
I confess that I have
never been able to
comprehend, the Board
of Revenue have in
more recent years
been endeavouring
to suppress this reasonable
agriculture & lay
valuable Tank beds
waste in all seasons

And

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and under all
circumstances; & they
now ask Government
to reconsider two
Equitable orders
recent & given after
removal when tank
laid, & suited for
rice as a rule, and
so assessed, had been
swamped, subject
to the highest dry
rate on the dry crop
raised on them after
the flood passed.

The Board have
apparently ordered all
tank land – with slight
exception – to be assessed
by the Revenue Settlement

Department as "wet", which is of course not the condition of the great bulk of it and the order is therefore inequitable. However the transfer entitles the holders to remission when unable to cultivate the land from excess of waters under the rules - But these the Board propose again to be traversed in order to force a return to without Compensation, no remission is to be conceded except on the condition of

remark

1178/30

permanent relinquishment. Hold the transaction to be inequitable throughout although tolerable as respects the transfers if the regulated remission be granted.

Mr. Foster proposed the only Equitable arrangement which is:- That if Government attach importance to ousting the owners of sunken lands, Compensation should be paid and the whole transferred to Perambok. The Govt declared that this is not feasible

Revenue Department

1178/31

No 1178

Proceedings of the Madras Government
Under date the 26 July 1878

Read the following
Min of the Bd of Revenue
dated 14 February 1878 No
392, (regarding Waste in
Tank beds in North Arcot
District.)

Application from the Secy
to the Bd of Revenue dated
26 April 1878 No 401, forward-
ing copy of GO. 19 Sept. 1876
Petition dept stating that
the principles alluded to
in Bds Proceedings 14 Feby 78
No 392. have been recently
discussed in their Min re-
-garding the scheme for the
Cumbum & Markapur tanks.

His Lyness the Governor
in

MB
1877

- not reasonable I will add - and they must therefore, I think, clearly intervene to prevent an inequitable roster by an expedient

1875 [illegible]
MR

RC 17-7-78 R 25-7-78
C. 13-8-78 R. 16-8-78 RC 17-8-78 R 22-8-78

RC 17-7-78 R 25-7-78
C. 14-8-78 R. 22-8-78.

in Council has had under consideration the principles adverted to in the foregoing papers as governing the treatment of tank-bed cultivation.

2. These principles are, it is stated, those recently discussed in the Board's review of the scheme for the settlement of the Cumbum and Markapur Talukas and approved by Govt. in G.O. 1st April 1878 No 502.

3. The Board's opinion was that, as recommended by Mr. Rundall, all such land should be classed as "wet", as in Kellore with the exception of land in the upper margin not generally submerged and accordingly they recommended the adoption of the course followed in Kellore and

Para 6 Pro 25 Nov 1877 No 4707 recorded in G.O. 1st Apl/pp No 502.

and the principles indicated in their Pro: 12 August 1876 No 2049. adding "the fact "that it is advisable to treat "such lands so as to encourage, as far as possible, "extension of cultivation "must not be lost sight of" 4. In the Proceedings alluded to it is found the following instructions - "Timely "notice should be given to "the ryots individually of "the intended transfer from "dry to wet, so that they "may have an opportunity "of relinquishing their holdings if so inclined, but if "they prefer to retain them "under the new classification "they must be made distinctly to understand "that they will not be "entitled to remission under the pote. It will however

Para 4, Board's Pro 12 August 1876 No 2049.

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"however be open to the
"Collector after the transfer
"has been effected to grant
"remissions on condition
"of permanent relinquish-
"ment as provided in
"Board's Proceedings No 2886
"of 12 July 1871 and on therein
"laid down, to encourage
"such relinquishments
"remissions should be freely
"offered". It is noted that
Mr. Rundall had in para 9
of his letter on which the
Board passed these Proceed-
ings observed as follows:- "I believe
"it to be a rule in settled
"districts that tank-bed
"lands are non-liable
"to any remission what-
"ever. Low yellow wet lands
"left waste within the
"tank-bed from excess of
"water are always held
"liable for the wet assess-
"ment & not treated as other
"lands."

The

† Para 2 ---- "No remission should be given except on condition of permanent relinquishment. To encourage such relinquishment, remission should be offered freely.

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Para 7 GO 1st April/78 No 502

5. The Govt. order with reference to tank-bed arrangements in Cumbum and Markapur were as follows:- "As regards "tank-bed cultivation "the Govt. accept Mr. "Rundall's view concurred "in by the Board viz that "all such land should "be treated as "wet" ex- "cepting some nominally "cropping with dry crops "on the upper margins of "large tanks."

6. The reference from N. Arcot recorded above has induced the Governor in Council to modify somewhat the view which he adopted in regard to Cumbum and Markapur and he accordingly directs that the Board will follow the

the course prescribed in this order, wherever a revised settlement is in progress.

7. They will further ascertain and report how far settlement already made on the principles above adverted to will require amendment if the present views of Govt are adopted in districts already settled. The amount involved by a change of classification and the extent of land which may hence forth relinquished under the plans heretofore framed should be recorded for the information of Govt and for such further orders as may appear necessary

8. His Grace in Council agrees with the Board that

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that the interests of the State and the holders of tank payments require the most careful conservation of the water required for cultivation, and that it should only be drawn off with care and economy as needed for the irrigation of a defined and limited area. The longer water is retained the better for the purposes for which the tank is made.

9. The objects of the tank-bund cultivator are directly opposed to this course. He would improve his land by keeping water lowered as low as possible, that his fields may not be submerged when the cultivating season commences and this

diversity

diversity of interests often results in waste of water which cannot be replaced and consequent loss of produce. There can be no question that the right of the ayacut holder which is also that of the State is paramount.

10. Moreover the silting up of tanks is an evil of very great magnitude. The more the soil is loose crumbled & turned up by cultivation on the exposed areas of tank beds when the water is low the more readily will it be carried into the drop tank bed by the next fall of rain. The digging up of a tank bed will also facilitate the absorption of the water thereby and its infiltration to the lower soil

1178/35.

soil and consequently to some extent diminish the retaining power of the tank.

11. These objections to tank bed cultivation have a real & material importance and give good ground for prohibiting the practice in some if not in all cases.

12. The Governor in Council thinks however that as regards ordinary channel fed tanks it will not be necessary to insist on such prohibition. It is only in the cases of river or channel fed tanks formed at ~~the public~~ ~~state~~ ~~expense~~ ~~cost~~ that protection should be afforded from anything

anything which can appreciably shorten their endurance or tend to diminish capacity=

13. We propose therefore to direct that in tanks falling under the first category no interference with tank bed cultivation be permitted while in those falling under the second class cultivation of tank beds shall be prohibited except when certified by the Dept in charge of the irrigation concerned that the circumstances render it unobjectionable.

14. The first thing will be to settle under which class existing tanks fall, and in the case of 'prohibited' tanks

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tanks the measures necessary to bring the cultivated tank bed area, should such exist, under poramboke. Fair compensation must of course be allowed and the land Acquisition Act brought into force if other means fail. The particulars of cost to be connected with this measure will form one of the items in each fresh settlement report.

15 As regard to the question of reinstation which brought up the present discussion= in ordinary circumstances every thing would depend on the classification, but the G.O. cited above shows that even for wet waste it

it has not been usual,
in such cases, to give
permission. It appears
to the Governor in Council
that as the tank bed cul-
tivator accepts his field
with the knowledge that
it is intended to be sub-
merged for as long a time
in the year as water
can possibly be retained
and as often as the tank
can be filled & with
the chance that in a
season of scanty rain
fall he will get a large
crop & good prices, or in
a wet year, but little
crop and low prices, while
the very situation of
his land renders it
available only when
the water subsides, it
is only fair that he
should pay with reference

to

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to the somewhat pre-
carious conditions of
his cultivation. But it
is not reasonable that
he should be allowed
permission as a holder
of wet land for injury
arising either by excess
or deficiency of water;
for in the former case
he knowingly takes land
situated below the water
level & therefore necessarily
submerged until the
cultivators of the legitim-
ate ayacut have exhaust-
ed the water as gradually
as they find expedient;
and in the latter case
it is to the deficiency of
the water, in the tank
that he owes the power
to cultivate at all. It
follows therefore that the
land should be classed

as.

as dry and this will carry with it the obligation to pay in all ordinary circumstances. Remission it must be understood will not be allowed.

16. It will probably be desirable to assess a special dry rate on this cultivation which wants as a rule, be inadequately charged at the highest ordinary dry rate of a village. The advantage of working in good soil with a fair amount of permanent moisture will enable the cultivator to pay a higher rate than usual ~~the cost of his crop~~ for the exercise of a privilege which on many accounts it is not the intent of Govt. to encourage. The

17. The rates already fixed for inundated districts will be considered protective special dry rates until the settlement takes place unless such an arrangement is obviously unfair to the ryot.

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17. Fd. Bombay Reversed Dr. Day
26 - Rec. Ag Drop Rev. Settlement

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