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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / B.P. No.	1360	Press. / Mis.
Dated	3-6-1878 ~~29-4-1878~~	197 .

G.P

Not to be folded or roughly handled

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GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

29th April 1878, No. 352 I.

Irrigation.

Read the following paper :—

No. 85. Endorsement of the Chief Engineer for Irrigation, dated Fort St. George, 9th April 1878, No. 106 I.

From J. H. LATHAM, Esq., Chief Engineer and Manager of the Madras Irrigation and Canal Company, to the Chief Engineer for Irrigation, dated Cuddapah, 22nd March 1878, No. 43.

I HAVE the honor to enclose a memorandum and copy of accompanying letters which I have sent to the Collectors of Cuddapah and Kurnool. It explains itself.

2. This difficulty is to me quite unexpected, and I shall be glad if you will favor me by ascertaining the views of Government as to the right of the Company to the A Class land and its products free of charge as between the Government of India and the Company. Meantime I will lay the question before the Board of Directors for their information.

3. It was at the personal request of the Deputy Collector that the villagers have been allowed to cultivate the Company's A Class land in tank beds. Some villages have some of their best land, wash land liable to be covered at full water, *e.g.*, Tangadancha and Lutchmapoorum. I say this merely to show that in allowing cultivation, instead of planting bamboos or trees, the Company have been acting in a kindly spirit to the ryots concerned.

4. Of course the action of the Collector of Kurnool in intercepting (for the time) the proceeds of the Company's land is a violation of the arrangement made by the Government in G.O., No. 2,056, of 13th August 1866.

From J. H. LATHAM, Esq., Chief Engineer and Manager of the Madras Irrigation and Canal Company, to the Collectors of Cuddapah and Kurnool, dated Cuddapah, 22nd March 1878, No. A.

YOUR foot-notes, Nos. 889 and 458, of 14th and 12th instants, respectively, to Proceedings of Revenue Board, No. 521, of 27th ultimo.

In reference to this difficulty, I have the honor to enclose a memorandum briefly stating what I understand to be the position. This I have sent also officially to the Chief Engineer for Irrigation in order to learn the views of Government on the subject.

MEMORANDUM upon a communication of the Proceedings of the Revenue Board, dated 27th February 1878, No. 521.

THE Company are liable to hold on various tenures, under their contract of 3rd June 1863 with Government, land as below defined :—

I. Land secured to them "free of charge" by their contract with the Secretary of State (Clause 7), with the right to grow timber and other products of the soil, by themselves or their tenants (Clause 20).

II. Land placed in the Company's hands temporarily, or for limited purposes only, or ceded to the Company, as for road diversions, quarries, or stations.

In official communication with Government the first are called A Class land. The others are distinguished by other letters, as B Class, C Class, &c. The question now is *wholly* about *A* Class.

The difficulty is this. It begins, continues, and ends in the Revenue Department alone.

Long ago, ten or twelve years ago, difficulties arose from partial collection of assessment being made by Revenue village subordinates upon *A* Class land which the contract secures to the Company free of charge with a right to cultivate or let out to tenants. The Deputy Collector, A. Ramachendra Row, then in special charge of the land affairs between the Company and Government, represented to me that his village subordinates could not be made to distinguish the various classes. Mr. Davideon, the Collector, recently found this inability apparent throughout his department.* The Deputy Collector was therefore probably right in stating that the Village Revenue Officers could not be made to distinguish them so many years before. In his capacity of Special Collector he engaged with me that if the Company would let their *A* Class lands subject to assessment, instead of outright, *i.e.*, if they would deduct the assessment from the amount of rent they charged the tenant, then he (Deputy Collector) would be able to leave his subordinates to treat all land alike as usual; and he would faithfully account to me for the assessment of the *A* Class land which they would collect.

*Letter to Mr. Galton, No. 54, of 6th February 1878, paragraph 2.

This engagement I have no doubt the Board desire to keep; but in their Proceedings of 27th ultimo, No. 521, they say they are precluded from continuing the course.

I.—As to the keeping of this engagement, made purely for the convenience of the Revenue Department, purely at their request, and which is of no convenience nor advantage at all to the Company, I can find no evidence that the Collector of Kurnool has kept it; and I suppose from the correspondence that he has not. I am sure this only needs pointing out to the Revenue Board to have it rectified. If their officers had originally stated that *A* Class lands must pay assessment, it would be another thing; but since their officers obtained the assessment only under engagement to repay it to the Company there can be no question that the Board are correct if they consider themselves bound to repay it up to date, even if they simultaneously prefer a claim for its recovery again.

II.—As to the future, assuming no legal difficulty in the interpretation of the contract, and that the right to sow and plant free of charge includes the right to enjoy the fruits free of charge, it seems clear that the Board of Revenue require some authority giving them power to discontinue to levy assessment on *A* Class lands; and I respectfully suggest that such powers be obtained.

III.—If there be a legal difficulty, the Company should be informed, in order that they may take an attitude of the greatest legal security, by placing any ryots cultivating the Company's land in such a position that the Company and not they should be responsible for the assessment.

CUDDAPAH,
22nd March 1878.

(Signed) J. H. LATHAM,
Chief Engineer and Manager.

SUBMITTED for the consideration of Government.

2. The Company have for a long time past received rent for lands made over for the works, which have been cultivated, and the rent has been credited in the accounts.

(Signed) P. MONTGOMERIE, Major, R.E.,
Ag. Dy. Chief Engr. for Irrigation,
for Chief Engineer for Irrigation.

No. 86. ORDER THEREON, 29th April 1878, No. 352 I.

HIS GRACE the Governor in Council is of opinion that no alteration of the practice heretofore allowed is required, and that the Madras Irrigation and Canal Company

should continue to be credited with the rents of Class A land in their possession which may be cultivated, such rents being disposed of as directed in G.O., Revenue Department, No. 2,056, 13th August 1866. The Board of Revenue will be requested to withdraw the instructions contained in their Proceedings, No. 521, of the 27th February 1878.

(True Extract.)

(Signed) JOHN MULLINS, Lt.-Col., R.E.,
Joint Secy. to Govt., P.W.D.,
Irrigation Branch.

(True Copy.)

Major, R.E.,
Under Secy. to Govt., P.W.D.,
Irrigation Branch.

To the Chief Engineer for Irrigation.
" Chief Engineer and Manager, Madras Irrigation and Canal Company.
" Board of Revenue.
" Revenue Department.
" Examiner, Irrigation and Canal Company's Accounts.

Exd. T. D. Ryan.
7 Spare Copies

G.O. 13 Aug. /66 No. 303-304

Revenue 1878 Dept.

No. 2021

IRRIGATION.

Govt. of [1878] Madras.

PUBLIC WORKS.

To

The CHIEF ENGINEER for IRRIGATION, &c., &c., &c.

Dated 29th April.

Issued

Recd. May 13th Encl.

G. O. 29th April 1878, No. 352 I.

APRIL.

Nos. 84-85.

Madras Irrigation and Canal Company's right to the A Class land and its products in Kurnool and Cuddapah.—Passing orders on the Note by the Chief Engineer for Irrigation submitting correspondence about the—

No. 1360

Recorded

28 May 1878 / 29

No. 30 May 1878 / No. 3.6.78

G. No. 2021 of 1878. Revenue Department

Memo. for orders.

Please see G. O. 29th April 1878 No. 352 I. C.W.O.

The point at issue is, is it the Government or the Madras Irrigation and Canal Company who have a right to the assessment on the cultivation of the A. class land placed in the Company's hands?

In the opinion of the Board[x] of Revenue, "the Company are precluded from deriving any rent or assessment from land made over to them by Government free of Cost on the principle enunciated in the papers embodied in Board's Proceedings dated 16th April 1864", while

[x] Vide Board's Pro: dated 27th February 1878 No. 521.

The Board had overlooked G.O. 13 Aug 1866 No 2056

The Rev: G.O. was completely overlooked by the Govt. [illegible] the [illegible] is [illegible]. If [illegible] it will stand but a [illegible] clause 29 [illegible] nothing but [illegible] of [illegible] the [illegible]

[illegible]

Bdo

will be briefly necessary of ~~reproduced~~.

In April 1877, Mr Latham wrote to the Collector of Cuddalore enquiring whether any assessment on any Salaam land of the Canal Company had been collected and if so whether it had been placed to the credit of the Company, as it was being done in Kurnool.

In authorising Mr Latham's letter to the Board for orders, he drew attention to the fact that the practice in Cuddalore was to credit to Government the assessment upon all lands made over to the Canal Company, no matter in what class, which are cultivated by ryots, and that the course followed in Kurnool was contrary to the decision in regard to the Railway Company's lands of a similar nature, contained in G.O. 7th April 1864 no 208 forwarded to Board's Secy of 18th idem

× In the letter recorded in Bd's Secy 5th June 1877 No. 2576.

× Both the decisions cited in the G.O. 7th April 1878 No. 302 of 20th Feb.

The Southern Mahratta Railway Company and Revenue Contract dated 29th of 1862 Contract dated 2nd June 1863 between the Company and the Secretary of State for India

Secured to the former the Salaam lands free of charge with a right to cultivate or let out the same.

The G.O. quoted above upheld Mr Latham's views and directed that the Company should be credited with the Rents of Salaam lands in those provinces which may be cultivated, and to bring the assessment of the Revenue thereof to account in G. Revenue despatch dated No 208, 13th August 1866.

The Board's instructions quoted above were amended by the following

Note on margin of the Secretary's

No 1 Code.

Board's Proc. dtd 5th June 1877
No. 2576.

Read letter recommended in Board's Proc. of 7th February 1878 No 521

Memorandum when the Board (Mr) where the Collector of Kurnool to explain the practice prevailing in his district

The attention of the Officers of the Company is hereby invited to the arrangement entered into between the Government of Madras and the Company, whereby the Company was entitled to the proceeds of all lands on the banks of Rivers

The authority quoted above for this course by the Board and the Collectors of Cuddapah and Kurnool, is G.O. 7th April 1864 No 208 in which it was observed that the course taken by the (Railway) Agents in permitting private individuals to erect

Board's Proc. dtd 5th June 1877
No. 2576.

Read letter recommended in Board's Proc. of 7th February 1878 No 521

buildings on land transferred by Government to the Railway Company for Railway purposes, and for each purpose only, is very objectionable, and that in all the precise case any guidance which may be given by the orders of the buildings must be transferred to Government.

The practice in Kurnool, above commented on, evidently arose with reference to G.O. 13th August 1868 No 2056 of 13 under which the Canal Company is to pay the rents of the lands in question direct into the Government Treasury to be credited to the Company's Irrigation Revenue Account.

In the Memorandum of the 27th February last recommended in G.O 29th April 1878 No 3 of 05 Mr Collector observes that the ground

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29 of the Contract may be calcu-
-lated. It provides
"That the Company x x shall be
at liberty to plough grass and
"cultivate land and other lands
of the soil, also to erect mills and
factories and to enable the same by
water taken by themselves or their
tenants upon the banks of the
Canals intended the Contractor
by them both not so as to interfere
with or prejudice in any way the
respective supply of water for irrigation as
aforesaid."

This permission does not confine
extent to the cultivation of the lands
or canal reservoirs beyond
by Mr Mattheus

The Canal Company's A clause
and seems the on the same footing
as the Railway Company's Clause
land as defined in clauses I & II
of the revised rules appended to Brees'
P.C. 146, and the liability of the
latter to pay reservement to Govt.

x in the form 3 of Mr Latham's
letter giving Covers to the
memo- quoted above.

This must be simply
to find the Engr. Could
Where Treaty
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-mainly on the
Completion of the Port
Contract the "Port"

And requires Mr
when in Port - Wh
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Mr Ryde Outlets get
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The assessed for severance allowance made for which it is granted is affirmed in G.O. of 14th April 1864 No 208 - vide particulars para 3 of observations by the Consulting Engineer for Railways thereon recorded.

Is it not desirable that the 3rd class lands of Railways and the Canal Companies should be treated alike?

As stated in paragraph 3 of the Collectors letter recorded in Board's Proc. dd 5th June 1867 No 2576, "in land transferred to or acquired by the Company, vizt B. C. D classes, the Company make no claim for assessment and that Collector claim in case of Government." Govt G.O. 13th August 1866 No 2036 dd quoted in the 6th Para of the 2nd April 1872 (Consult Letter for disposal) appears to direct that no assessment of 13 class land also should be credited to the Company's Irrigation Revenue Account.

But the Inspector of Contract Works has the Company may retain all Banks of Tanks & Canals for cultivation has nothing to say about payment & may be assumed that they enjoy the privilege

Govt Approval not conceded

G.O. 29 April 1868 No 352 I (P.W.D) clearly specifies Class A lands only as falling under the rule in G.O. 13 August 1866 No 2036.

Standing Order seems to need Govt Orders

Govt Approval

Probably this is not intended to be, would it not be well to make matters clearer?

Submitted that the P.W. Proceedings may be simply recorded. The instructions herein contained do not require Govt Approval

Govt

