M.R.O. 1—77,606—8-6-37.

(1) Number of pages 8

(2) Date of repair 27-5-1938

(3) Initials of the Referencer 18.5.38

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1553 Press ~~Mrs.~~ original

Dated 24. 7 1879.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

24th July 1879, No. 1,553.

No. 357. READ THE FOLLOWING PAPER:—

Proceedings of the Board of Revenue, dated 14th June 1879, No. 1,685.

Read the following papers:—

Proceedings of the Madras Government, dated 28th April 1879, No. 921, Revenue Department:—

From C. RUNDALL, Esq., Deputy Director of Revenue Settlement, North Arcot, to W. WILSON, Esq., Director of Revenue Settlement, dated Patar, 22nd March 1879, No. 150-61.

WITH reference to G.O., No. 211, dated the 28th January, on the subject of tank-bed cultivation, I conclude that the modification effected to the previous G.O., No. 1,178, of 26th July 1878, is that the restrictions hitherto exercised in respect to such cultivation are to continue. In conformity with paragraph 14 of the order last named, I apprehend that all tanks still require to be classed as either prohibited or non-prohibited; or as further defined in the Government Order first quoted as tanks having a depth of 6 feet and upwards from crest of calingulah to bottom, and shallow rain-fed tanks similarly having a depth of less than 6 feet. Further, that the area in occupation in tanks in the prohibited class should be tabulated, and the amount of probable compensation estimated that would be incurred in acquiring such lands under the Land Acquisition Act; and that these particulars should be incorporated in the Settlement Report, and, in accordance with paragraphs 15 and 16, that the occupied area in the beds of tanks of the non-prohibited class should be dealt with as dry in the settlement proposals and assessed at a special dry rate.

2. With the view of obviating any doubt as to the actual requirements of Government under the modified order, I have the honor to request I may be informed whether I rightly apprehend the particulars needing to be furnished for the information of Government in the Settlement Report I have to render for this district.

From J. B. PENNINGTON, Esq., Collector of Tinnevelly, to W. WILSON, Esq., Director of Revenue Settlement dated Trichendur, 31st March 1879, No. 650.

WITH reference to G.O., No. 211, dated 28th January 1879, I have the honor to request that you will be good enough to instruct me as to the preparation of the lists of tanks the cultivation of the beds of which it is not necessary to restrict in any way. Is it any longer necessary to prepare such lists? or is it left to District officers to decide as to the necessity for restriction *in each case* with reference to the legitimate "interests of the holders of the ayacut," or the grazing rights of the villagers?

No. 1,082-22.

SUBMITTED through the Board of Revenue for the consideration and orders of Government.

2. By G.O., No. 1,178, dated 26th July 1878, it was directed that tanks should be divided into two categories—

(1.) Those in the beds of which cultivation was to be prohibited except when permitted on the certificate of the department in charge that cultivation would be unobjectionable.

(2.) Those with cultivation in the beds of which all interference was prohibited.

3. G.O., No. 211, dated 28th January last, modified this order by allowing District officers the power to prohibit when they thought necessary cultivation in the beds of tanks in the second category.

4. The effect of these orders has been variously interpreted by Messrs. Rundall (of the Settlement Department) and Pennington (Collector of Tinnevelly); the former presumes that the lists prescribed by the first of them are still to be prepared, and requests certain instructions; the latter asks whether the preparation of these lists is now required, or whether it is to be left to District officers to decide in each individual case as to the necessity for restriction of cultivation. Mr. Pennington's query answers itself; it is obvious that the exercise of a District officer's discretion under the second of the orders makes a category of "prohibited" tanks necessary.

5. It does not seem necessary however that there should be *two* lists. The effect of the two orders is to make cultivation in tank-beds prohibited except where expressly permitted, or permitted except where expressly prohibited. It is suggested that one general principle of administration be adopted in terms of one of these two propositions; the former by choice.

6. This would make the preparation of a list of "permitted" tanks only necessary.

MADRAS,
22nd April 1879.

(Signed) W. WILSON,
Director of Revenue Settlement.

THE Order of Government read above will be communicated to the Director of Revenue Settlement and to all Collectors (except Malabar, South Canara, and the Commissioner of the Nilgiris) for information and guidance.

2. The modified instructions now issued by Government in regard to the cultivation of the beds of tanks renders it unnecessary that any action should be taken on G.O., dated 26th July 1878, No. 1,178, except in the matter of the restoration to tank-bed of lands formerly classed as Poramboke but now held on putta within the waterspread of tanks when it is considered advisable to do so. Collectors will submit a list of such tanks with the extent held on putta within the waterspread of each, the classification of the land, the present rate of assessment, and the estimated amount of compensation payable to the Puttadars for lands that should be reclassed as Poramboke. Where there has been no encroachment but a portion of the ayacut of one tank falls within the waterspread of another tank lower in the chain, the cultivation need not be interfered with unless the Collector sees reason to prevent it.

3. When under special circumstances permission is given to cultivate tank-beds for one year, the highest dry rate of the village should be charged, but it must be understood that such permission is to be granted only under very special circumstances, such as the recurrence of bad seasons.

4. In districts now under settlement, or in those about to be settled, the settlement officer should furnish the Collector with lists of cultivated numbers within tank-beds as exhibited in the survey maps, and request the Collector's orders regarding them.

5. A copy of these Proceedings will be submitted for the approval of Government.

(True Copies and Extract.)

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

No. 358. ORDER THEREON, 24th July 1879, No. 1,553.

Irrigation—No. 10.

THE Board's instructions are approved.

(True Extract.)

(Signed) J. H. GARSTIN,
Acting Secretary to Government.

To the Board of Revenue.
„ the Public Works Department.
„ the Chief Engineer for Irrigation.

Exd. W. H. French.

21-1-09
3/8/09
26-1-12
8-2-13
4-3-18
10.7.19

Copy supplied to the applicant in the Public Office.—Applying restrictions of the Board's Proceedings to the Government Order directing that no Puttas be granted in future for —.

Cost. of (1879) Andhra.

REVENUE.

To

The BOARD OF REVENUE,

&c., &c., &c.

Dated July 24th.

Final 1879.

Read 28/1/79

Fwdd 24/1/79

JULY.

Nos. 357-358.

No. 1,685.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th June 1879.

Read the following papers:—

Proceedings of the Madras Government, dated 28th April 1879, No. 921, Revenue Department:—

Note by the Acting Chief Engineer for Irrigation, dated Fort St. George, 12th March 1879, No. 24-W.

[G.O., R.D., No. 211, dated 28th January 1879.]

UNDER G.O., R.D., No. 1,339, dated 18th August 1878, it appears that if cultivation is prohibited in the bed of a tank "in the interests of the revenue" the compensation that may be in consequence payable is chargeable against the Irrigation grant.

2. The Government Order quoted at head leaves the restriction of cultivation to the discretion of the District Revenue officers. It appears necessary therefore, in order to protect the Irrigation interests, that in future land shall not be given out on putta, in tank-beds, without reference being first made to the Executive Engineer of the Division.

(Signed) J. O. HASTED, Lieut.-Colonel, R.E.,
Acting Chief Engineer for Irrigation.

To the Secretary to Government, Revenue Department.

ORDER THEREON, 28th April 1879, No. 921.

Irrigation, No. 4.

IN continuation of G.O., R.D., No. 211, of the 28th January 1879, and in the interests of Irrigation revenue, the Governor in Council is pleased to direct that in future no puttas shall be granted for land permitted to be cultivated in the beds of tanks. Such temporary permission will be granted for only one year at a time, so that should the cultivation be considered objectionable it can be stopped without any necessity for granting compensation.

(True Extract.)

(Signed) J. H. GARSTIN,
Acting Secretary to Government.

From C. RUNDALL, Esq., Deputy Director of Revenue Settlement, North Arcot, to W. WILSON, Esq., Director of Revenue Settlement, dated Patar, 22nd March 1879, No. 150-61.

WITH reference to G.O., No. 211, dated the 28th January, on the subject of tank-bed cultivation, I conclude that the modification effected to the previous G.O., No. 1,178, of 26th July 1878, is that the restrictions hitherto exercised in respect to such cultivation are to continue. In conformity with paragraph 14 of the order last named, I apprehend that all tanks still require to be classed as either prohibited or non-prohibited; or as further defined in the Government Order first quoted as tanks

having a depth of 6 feet and upwards from crest of calingulah to bottom, and shallow rain-fed tanks similarly having a depth of less than 6 feet. Further, that the area in occupation in tanks in the prohibited class should be tabulated, and the amount of probable compensation estimated that would be incurred in acquiring such lands under the Land Acquisition Act; and that these particulars should be incorporated in the Settlement Report, and, in accordance with paragraphs 15 and 16, that the occupied area in the beds of tanks of the non-prohibited class should be dealt with as dry in the settlement proposals and assessed at a special dry rate.

2. With the view of obviating any doubt as to the actual requirements of Government under the modified order, I have the honor to request I may be informed whether I rightly apprehend the particulars needing to be furnished for the information of Government in the Settlement Report I have to render for this district.

From J. B. PENNINGTON, Esq., Collector of Tinnevelly, to W. WILSON, Esq., Director of Revenue Settlement dated Trichendur, 31st March 1879, No. 650.

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No. 1,082-22.

SUBMITTED through the Board of Revenue for the consideration and orders of Government.

2. By G.O., No. 1,178, dated 26th July 1878, it was directed that tanks should be divided into two categories—

(1.) Those in the beds of which cultivation was to be prohibited except when permitted on the certificate of the department in charge that cultivation would be unobjectionable.

(2.) Those with cultivation in the beds of which all interference was prohibited.

3. G.O., No. 211, dated 28th January last, modified this order by allowing District officers the power to prohibit when they thought necessary cultivation in the beds of tanks in the second category.

4. The effect of these orders has been variously interpreted by Messrs. Rundall (of the Settlement Department) and Pennington (Collector of Tinnevelly); the former presumes that the lists prescribed by the first of them are still to be prepared, and requests certain instructions; the latter asks whether the preparation of these lists is now required, or whether it is to be left to District officers to decide in each individual case as to the necessity for restriction of cultivation. Mr. Pennington's query answers itself; it is obvious that the exercise of a District officer's discretion under the second of the orders makes a category of "prohibited" tanks necessary.

5. It does not seem necessary however that there should be *two* lists. The effect of the two orders is to make cultivation in tank-beds prohibited except where expressly permitted, or permitted except where expressly prohibited. It is suggested that one general principle of administration be adopted in terms of one of these two propositions; the former by choice.

6. This would make the preparation of a list of "permitted" tanks only necessary.

MADRAS,
22nd April 1879.

(Signed) W. WILSON,
Director of Revenue Settlement.

THE Order of Government read above will be communicated to the Director of Revenue Settlement and to all Collectors (except Malabar, South Canara, and the Commissioner of the Nilgiris) for information and guidance.

2. The modified instructions now issued by Government in regard to the cultivation of the beds of tanks renders it unnecessary that any action should be taken on G.O., dated 26th July 1878, No. 1,178, except in the matter of the restoration to tank-bed of lands formerly classed as Poramboke but now held on putta within the waterspread of tanks when it is considered advisable to do so. Collectors will submit a list of such tanks with the extent held on putta within the waterspread of each, the classification of the land, the present rate of assessment, and the estimated amount of compensation payable to the Puttadars for lands that should be reclassed as Poramboke. Where there has been no encroachment but a portion of the ayacut of one tank falls within the waterspread of another tank lower in the chain, the cultivation need not be interfered with unless the Collector sees reason to prevent it.

3. When under special circumstances permission is given to cultivate tank-beds for one year, the highest dry rate of the village should be charged, but it must be understood that such permission is to be granted only under very special circumstances, such as the recurrence of bad seasons.

4. In districts now under settlement, or in those about to be settled, the settlement officer should furnish the Collector with lists of cultivated numbers within tank-beds as exhibited in the survey maps, and request the Collector's orders regarding them.

5. A copy of these Proceedings will be submitted for the approval of Government.

(True Copies and Extract.)

Acting Secretary.

To Collectors of all districts, except South Canara, Malabar and Nilgiris.
To the Director of Revenue Settlement.
" Secretary to Government, Revenue Department.

Exd. W. J. Lewis.

Revenue Depts
105053.
1879.

Board of Revenue,

MADRAS.

To

ALL COLLECTORS,

&c., &c., &c.

Dated June 14th.

Printed July 1st.

Received 5/7/79

PROCEEDINGS, 14TH JUNE 1879, No. 1,685.

Dups 4-7-79 -

JUNE.

No. 1,685.

Land permitted to be cultivated in the Beds of Tanks.—Communicating to the Director of Revenue Settlement and to Collectors of certain Districts, with instructions, Government Order directing that no puttas be granted in future for —.