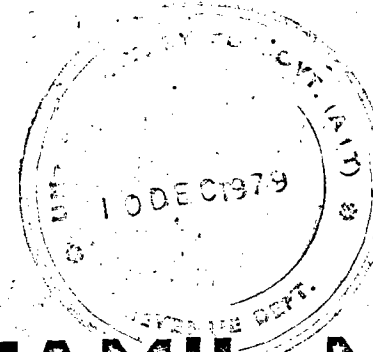




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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue

DEPARTMENT

G.O. No.	652	Press.
B.P. No.		Mis.
Dated	17. 5. 1884	197

Not to be folded or roughly handled

17TH MAY 1884, No. 152, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue, dated 27th November 1883, No. 3599.—

Read—the following G.O., dated 12th October 1883, Mis. No. 4119, Revenue.—

Read—the following note by Mr. CHENTSALRAO, dated 9th April 1883:—

Under the existing rules,* irrigation from wells sunk in wet ayacut is not exempted from charge, whether the wells are situated within or beyond ten yards from the work of irrigation under which the land is situated. Supposing there is no water in the tank, and the ryot raises a first crop or second crop by means of water supplied from his own well, he has still to pay the wet assessment, or charge for water, as if he had received his water from a Government work. The question of exempting these wells from additional charge was considered by the Board in 1880, but they came to the conclusion that "a great deal of the best land is irrigated partly by wells; the ryots know what they have to pay; the assessment is cheerfully and easily paid, and there is no necessity to sacrifice any revenue." Government were not satisfied that there was any well-founded reason for the distinction between wells in wet and dry lands, but still they thought that there was no necessity for any charge.

G.O., 3rd September 1880, No. 1033.

I think that the question of exempting wells in wet lands is of the greatest importance, for it is in these wet lands that water is nearer the surface and baling is easy, and yet it is in these very lands that their excavation is discouraged. I feel sure that if ryots are allowed to dig wells freely in their wet lands, the wet produce of the country will increase by at least 25 per cent. without the least sacrifice of revenue to Government. By declaring irrigation under wells in wet lands free of charge, I do not apprehend any danger of the ryots abandoning Government sources of irrigation and thus causing a sacrifice of revenue, for, if irrigation by surface flow can be had, no one who is sane would go to the expense of baling water from a well. The expense of baling is considerably more than the water-fee charged for surface flow, and no one would incur a larger expenditure to save a smaller one. It is only when there is no water in the tank that the ryot will bale it from his well, and this can possibly cause no loss, but will, on the contrary, be a source of gain to Government, as the cultivation will secure at least the dry assessment of the land, which, under our rules, has to be remitted when there is no cultivation for want of water.

It is true that wells draw water by percolation from the Government work, but the water contained in the wells cannot be said to be so much water taken away from the tanks, for the wells generally become full during the rainy season, and it is only when they are worked and emptied that the volume of water in the tank suffers to any appreciable extent; but as I have already observed, they are not, and will not be, worked when there is water in the tank, and when there is no water in it nothing can be drawn away by the wells. It is in fact the water that has already gone under the soil that is taken by the well, and if the well does not take it, it is merely wasted. There is, however, one slight danger in exempting wells in wet lands, that is, the ryot

may really use tank water, and say that he has used his own well water, and claim exemption or remission. This danger may be obviated by declaring that no remission of the fixed assessment will be granted so long as there is water in the tank, whether he uses the well water or the tank water. This is but reasonable, as we charge the assessment even if the land were left waste if there was water in the tank. We may even rule that if he raises a crop partly by the use of well water and partly by the use of tank water, he shall pay full rate. I do not think it will be difficult to find out whether tank water has at all been used or not, but if it be considered that an inquiry of that sort would lead to abuse, there is a simple way of meeting the difficulty. We must classify all lands, once for all, as one crop and two crop, and assess them accordingly as they have been hitherto cultivated with one crop or two crops. I know that in some places a second crop is raised, but not every year. In such cases I would assess the land with reference to the number of crops raised within a given period, say ten years. Supposing there is a land of which a second crop has been raised only once within the last ten years, I would add to the first-crop assessment one-fifth of the second-crop charge and fix it as the consolidated assessment for both the crops. If he raised a second crop twice during the last ten years, I would add one-fifth of the second-crop assessment to the first-crop assessment, and after thus compounding assessments there is sufficient water for a crop being raised. Then the ryot need not pay any more assessment, whatever be the number of crops he may raise with or without the aid of his wells. This will not only cause no sacrifice of revenue to Government, will not only encourage the excavation of wells and thereby increase the produce of the country, but will also reduce work immensely. There need be no examination of a second crop, and no calculation of water-rate. My only doubt is whether the assessment can be consolidated in the manner suggested by me in the settled districts before the thirty years period expired without the consent of the ryots. I, however, think that if the composition is made in a fair and liberal spirit, and the advantages fully explained to the ryots, they will readily consent to the measure. Then the system would be very simple. Both in the case of dry and wet there will be one single assessment, and the ryot will be at liberty to dig wells in wet as well as dry lands, and raise any number of crops he may please. The only difference between dry and wet lands will be that, in the case of the latter, no assessment will be charged if no crop is raised for want of water.

Order—dated 12th October 1883, M.S. No. 4119, Revenue.

The suggestions made in the foregoing note commend themselves to the Right Honorable the Governor in Council; but before passing orders on the subject, he desires to have at as early a date as possible an expression of the views of the Director of Revenue Settlement and Agriculture, with the observations of the Board of Revenue thereon.

(The Extract.)

(Signed) F. V. WILSON,
Secy. to Govt. Rev. Dept.

To the Director of Revenue Settlement and
Agriculture,
the Board of Revenue.

Read—the following letter from W. WILSON, Esq., Director of Revenue Settlement and Agriculture, to the Secretary to Government, Revenue Department (through the Board of Revenue), dated Madras, 9th November 1883, No. 2857-55:—

I have the honor, in reference to G.O., No. 4119, dated 12th October 1883, to submit the following remarks on Mr. P. Chentsal Rao's proposal to exempt from charge irrigation from wells sunk in wet ayacut.

2. Under present rules such irrigation is charged because the wells are supposed to divert or tap a supply created by Government. The reasonableness of the charge depends entirely upon the proof of diversion, that is to say, on the proof that wells sunk in wet ayacuts diminish the supply stored in a Government work for irrigation by surface flow. If it can be proved that they do, the charge is justifiable; if it cannot, it is unreasonable and should be abandoned. So far the evidence is purely negative—it is neither proved that they do, nor proved that they do not. It is assumed, however, that they do, and on this assumption the charge is made. For this reason dry land irrigated from an ayacut well is charged with tirwajasti or fasaljasfi, as the case may be, and a second crop raised on single-crop wet land by the sole aid of an ayacut well is charged with fasaljasfi, while no abatement—fasalcummi—of the second-crop charge is made when the second crop on double-crop wet land is raised by the sole aid of such a well.

3. I have learned from Mr. Chentsal Rao that his object in bringing this question forward is more especially to obtain the exemption from second-crop charge of lands classed as single-crop lands when a second crop is raised on them by the sole aid of an ayacut well.

4. The question must be determined by the conclusion that may be arrived at as to the reasonableness or otherwise of the present theory that such wells divert and diminish the supply stored by Government for irrigation by surface flow.

5. The existence of wells in a wet ayacut is *prima facie* evidence that the ayacut is beyond the capacity of the work for irrigation by surface flow. Such wells are chiefly intended to supplement the deficiency of the surface supply in the second-crop season. Not infrequently at that time the Government work has but a scanty supply, often, indeed, no water at all, and the crop is raised either partially or wholly by the aid of well water. Relief in such cases is certainly equitable, and it remains to consider what relief can be given, and how.

6. Under our settlements all wet lands are classed as single or double cropped. The former include all lands the supply to which of irrigation by surface flow for a single crop—in the first-crop season—is assured in all ordinary years. The latter embrace two kinds of lands—

- (1) those to which the supply for a first and second crop is in all ordinary seasons assured. Such lands are not in question here;
- (2) those to which the supply for a first crop is ordinarily sure, but to which the supply for a second crop is more or less uncertain, the surface flow being generally more or less supplemented by wells. This uncertainty is differentiated and valued at varying rates, all less than the normal charge for second crop (i.e., half the first-crop charge), and the ryot is allowed to compound for the second-crop charge at these lower rates. Composition is optional, but if it is not accepted, the land is classed as single-crop land, and is subject to the full charge for tirwajasti if water is taken from a Government source. Composition may be made at any time, and, when made, the compounded assessment is payable in all years alike.

7. I do not propose to discuss at length Mr. Chentsal Rao's proposals for the final settlement of the Government demand on such lands, for, as will have appeared from the foregoing remarks, they have been for the most part anticipated by our present mode of settlement. I would, however, point out that by his proposal to fix the second-crop charge merely on consideration of the number of crops raised within a given period of time, he would really tax the wells for the exemption of which he is pleading, and might, by making the additional assessment compulsory, impose a permanent charge for what might have been merely casual irrigation. To meet Mr. Chentsal Rao's demands in full, it would be necessary for Government to abandon the present rule of charging for irrigation from ayacut wells in any circumstances. The rule rests, as I have said, on the assumption that such wells diminish the Government supply for irrigation by surface flow, but so far it is not proved that this is

the fact, and what is not proved should not be assumed. The Government should limit its demand for water for irrigation to what it commands, that is, the surface flow. When that passes beyond its control, it should not be charged for, wherever it may be found or howsoever it may be used. I think Government might well declare—

- (1) that it will make no charge for water for irrigation unless supplied from Government works by surface flow;
- (2) that dry lands irrigated solely from ayacut wells shall not be subject to any charge for water, be it *tirajasti* or *fasaljasti*;
- (3) that single-crop wet lands shall not be subject to *fasaljasti* for a second crop raised by the sole aid of an ayacut well;
- (4) that in all current and future settlements in the case of lands admitted to composition, that is, in the case of wet lands, the second-crop supply of which is generally more or less dependent on wells, the existence of wells shall be considered only so far as they afford an index to the uncertainty of the Government supply for irrigation by surface flow, that is to say, they should be considered not as a ground for *enhancing* the second-crop charge, but as a reason for *reducing* it. The more numerous the wells are, the lower should be the rate of composition when composition is justifiable.

8. Rules to this effect would make irrigation from ayacut wells absolutely free, and wells in dry lands being already free, all wells in the Presidency would in this way be placed on the same footing and be absolutely free.

Resolution—dated 27th November 1883, No. 3593.

The Director's letter is submitted to Government with reference to the Government Order read above.

2. It is observed that the subject-matter of these papers was very fully discussed Board's Proceedings, dated 8th June 1880, (three years ago, and the Board, maintaining the views then expressed, are not prepared to recommend any change of policy in dealing with private wells sunk in wet lands, and they would deprecate the re-opening of the questions involved in Mr. Chentsal Rao's proposals.

3. The attention of Government is specially invited to paragraphs 12 and 27 of the Board's Proceedings quoted above, which recite the opinions of two Revenue officers of great experience, viz., Mr. J. D. Bourdillon and the late Deputy Collector Stree Bahiah; with the views of these officers the Board concur, and are convinced that the rules suggested by the Director would open a wide door to fraud. Moreover, any well made in wet land diminishes *pro tanto* the area available for cultivation, and if the proposed rule were enacted, a great impulse would be given to the construction of such wells, which, supposing a well to be sunk in every acre, might lead eventually to the extrusion from cultivation of some two per cent. of the wet area. Of course, in that event land would not be relinquished, but relinquishments of wet land under existing rules are not so frequent as to render it necessary to provide against them by such means.

4. Again, the Board venture to take exception to the dictum laid down at paragraph 3 of G.O., 3rd September 1880, No. 1083, that the formation of a tank does not create the subsoil supply which the wells tap. The Board believe that in very many cases the supply is thus created, and they have in view, for instance, tanks fed by their dams, which often receive a full supply without the aid of local rainfall. It is also to be noted that the water-level of the neighbouring wells at once rises in proportion to the supply received in such tanks; and inasmuch as the owners of such tanks derive immediate advantage from the vicinity of the Government

reservoirs, the Board are unable to see any just reason for exempting such persons from payment for the benefit thus derived, or for relinquishing the considerable revenue resulting from the charges at present made; and being of opinion that the estimated increase in the number of wells would greatly affect the quantity of water stored in the tanks above them, the Board apprehend that, by diminishing the supply of water required for surface irrigation, these wells would tend to create the very evil which their construction is meant to cure.

5. Lastly, the question seems to be likely to be much affected by Section 11 of the Act (XIX of 1883) recently passed for amending the law relating to loans for agricultural improvements. The section runs as follows:—

"When land is improved with the aid of a loan granted under this Act, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land revenue upon the land; *Provided* as follows:—

"When the improvement consists of the reclamation of waste land or of the irrigation of land assessed at unimproved rates, the increase may be so taken into account after the expiration of each period as may be fixed by rules to be framed by the Local Government with the approval of the Governor-General in Council."

Thus in the case of a well dug by means of a Government loan, dry land irrigated under it would be liable to be charged eventually an increased rate of assessment; and it therefore seems to the Board that Mr. Chentsal Rao's proposals conflict so far with the policy of the Government of India as expressed in the enactment referred to.

(True Copies and Extract.)

(Signed) E. GIBSON,
Acting Secretary.

To the Secretary to Government, Revenue Department,
the Director of Revenue Settlement and Agriculture.

ORDER—dated 17th May 1884, No. 652, Revenue.

Land Revenue, No. 75.

The question of encouraging well cultivation is one of extreme importance, and considerable advances have from time to time been made in the direction of freeing capital sunk in such improvements from special charge in the shape of assessment on the crops raised. The early correspondence and the development of the system now in force are traced in Board's Proceedings, 8th June 1880, No. 785. The tendency has been towards liberality, both in the interpretation of the principle and in the rules for its practical application; the limit of distance within which well irrigation is to be subject to special charge having been reduced till it is now no more than ten yards. There has always been a considerable body of opinion in favor of still further relaxation of the rules on the subject; and in 1878, the Government went so far as to direct that no distinction should be made between wells sunk in wet and dry lands, and that no charge should be imposed on second crop in wet land irrigated under well irrigation. This order, however, was not carried into effect in deference to instructions from the Secretary of State, who thought the proposed change of such importance as to require further discussion; and on the Board, in their Proceedings of 8th June 1880, No. 785, submitting recommendations adverse to change, the Government (apparently with hesitation) came to the conclusion that the revision of tank ayacuts would afford all the relief necessary (G.O., 3rd September 1880, No. 1083).

2. The matter is now entirely re-opened in the papers read above. Mr. Chentsal Rao, late Head Sheristadar of the Board of Revenue, and the Director of Revenue Settlement and Agriculture, an officer of great experience, are in favor of abolishing all restrictions remaining on the extension of wells; but the Board deprecate the re-opening of the subject, and would make no change in the rules regarding wells in wet lands.

3. The Right Honorable the Governor in Council observed that the nine Collectors consulted by the Board from 1877 to 1880, six were in favor of some relaxation of the rules, and only three considered no change necessary. The Board themselves in 1877 (Proceedings, 4th January, 1877, p. 24) fully admitted that 3 years of exceptional scarcity had obliged them to relax the rules. They were disposed to suggest that when the supply to a Government work only (by falls, crops in wet lands) failed by means of wells should only be charged dry season rates; but they were deterred from doing so by the difficulty of dealing with the case of partial failure of supply, to the Government work, and by fear of doing it to the detriment of the financial consequences of the measure being unknown.

4. The controversy has hitherto turned on the question how far the supply to the wells is derived from the Government works, and the charge of wet assessment has been placed on the ground that the wet water so derived as much belongs to Government as that percolated by surface flow from the Government store. - In this point of view there is no distinction to be made between wells in dry land within the prescribed limit of distance from a well, which derive water by subsoil percolation from the work itself, and wells in wet land, which are fed either by such percolation, or by percolation of surface flow from Government lands irrigated from the work. - Both classes of wells are on a par and should be treated alike.

The Government are of opinion that by opposing the rights of the existing proprietors of the wells upon the right of eminent domain of water, and upon canal drainage matters, it thereby, are equally well of the public; and that the expediency of carrying further the liberal policy of exemption which has been hitherto followed is not a question to be decided upon such considerations. No one doubts that the supply in the wells is affected by the presence of water in a tank above, or on adjacent lands; but on the other hand, the extent to which the level of water in the tank is affected by falling from the wells is probably scarcely appreciable. The chief function of wells in wet lands is to enable the ryots to bring to water, after the exhaustion of the tank supply, crops in which have been sown and half grown by direct irrigation; or to grow second crops in lands which would yield none if dependent on the tank alone. The situation of wet lands generally looking, is favourably for getting at the subsoil supply quite independent of the supply stored in the tanks. As pointed out by Mr. Offenset Rao, no one will incur the expense of boring, if irrigation by surface flow can be had. It is noticeable that the deepest wells are most numerous in the inland districts where the irrigated lands are for the most part dependent on small tanks which have become in these districts deteriorated and which, had there been no rainfall, are precarious. Mr. Wilson's proposed fourth rule brings this out strongly. His Excellency the Governor in Council is persuaded that in such localities, not only does the ryot by means of a great wells save his crop, but without them the Government would lose the greater part of its wet revenue. Their effect in saving remission for withered crop is undoubtedly very great.

16. The policy of encouraging such wells can therefore hardly be questioned, and the Government agree with Mr. Chaudhri in thinking that there is no danger of concession in the matter being abused. Referring to the Board's objection in paragraph 3, the Government observe that wells will not be sunk in wet lands, and the area available for cultivation thus diminished, unless this pays by increasing the yield of the whole field. The extra increase put in paragraph 5 is not likely to arise, and if it does, there are other remedies more potent than the charge of water-rate. The Government do not view Section II, Act XIX of 1883, as a bar to concession, or as declaring an obligatory policy.

7. His Excellency the Governor in Council therefore approves the principle which underlies the proposals of Messrs. Chantsal Rao and Wilson, viz., that irrigation from private wells should be free from charge for water, either in the shape of water-rate on crops in dry land irrigated, or of water-rate or wet assessment on crops, whether first or second, raised in wet land. In regard to wet land, it is necessary, in order to prevent fraud and dispute, to rule as proposed by Mr. Chantsal Rao, that the concession shall be restricted to cases where no supply whatever is received in the Government work. Also, it is to be understood that the concession which Government are about to

sanction has application only to private wells, and that no change is contemplated as regards wells known as Government wells, or as regards dasabandian wells, which are public sources of irrigation.

8. Mr. Wilson's first rule goes too far, in that it exempts all irrigation by lift, and not merely irrigation from wells; and his fourth rule, though stating a sound principle, is suitable rather as a instruction to settlement officers than as a rule to be embodied in a code of revenue charges. The following rules express the intentions of Government, and if the Board see no objection to them, they may be issued at once:—

1. No water-rate shall be charged on dry and irrigated solely from private wells, wherever situated.
2. In wet-land, provided the tank or other work receives no supply whatever during the period the crop is on the ground, crops raised under irrigation from private wells shall be charged—
 - (a) In single-crop land, for the first crop, dry rates; for the second crop, nothing.
 - (b) In registered double-crop land, for the first crop, dry rates; for the second crop, half dry rates.

Normal.—In such land, if any supply is received during the first crop, but none during the second, the charge will be two-thirds of the total two-crop ~~one~~ plus half of the same. If the case is reversed, dry rate shows one-third of the total two-crop charge.

(c) In land where the second-crop charge is compounded, single dry rate.

Notes.—In such land, the full compounded rate will be charged, if any supply is received during the year.

received during the year.

4. These rules should be introduced experimentally from next fall year. The effect should be carefully noted by Collectors & by Instructions which the Board will issue, and fully discussed in the annual joint fall reports. The number of new wells constructed in wet lands, or in dry lands within the limit hitherto prescribed, should be reported; and the effect of the wells, old and new, in diminishing remission for shari (withered crop) should be noticed. The Government observe that the figures given in the Board's Proceedings of 1880, as to the number of arbab wells and the extent of the land affected by them, besides being incomplete, afford no basis for an estimate of the financial effect of the measures now ordered. For the whole of the extent will not be exempt under the new rules; and it is impossible to estimate and set off the amount of remission saved. The expediency of continuing the rules will be considered after they have been in force for three years.

5. The Secretary of State is to be kept advised as to the progress of the measures, and to be supplied with reference to the same.

11. The attention of the Director of Revenue Settlement will be called to the orders regarding the use of vernacular terms in English correspondence.

(True Extract.)

(Signed) H. E. STOKES;
Secretary to Government.

To the Board of Revenue.
 " the Director of Revenue Settlement and Agriculture.
 " the Public Works Department, Irrigation Branch.
 " M.R.Ry. P. Chandra Rao Pantulu Garu.

Exd. A. F. Goodall.

100 Copies.

Gobt. of (1884) Madras.

REVENUE.

Issue

Recd.

Encl.

G.O., 17th May 1884, No. 652.

MAY.

Private wells.

Irrigation from.—Prescribing revised rules with respect to the charge of water-rate on — to be introduced experimentally from next July for three years, and requesting the Board of Revenue to revise them at once if they see no objection.

DEPARTMENT OF REVENUE SETTLEMENT
AND AGRICULTURE,
Madras, 9 November 1883.

No. 7887
55

From
M. M. M. M. M.
DIRECTOR OF REVENUE SETTLEMENT
AND AGRICULTURE,
Madras.

To
The Secretary to Government,
Public Department
through the Board of Revenue.

I have the honour, in reference
to G.O. No. 4119 dated 12th October 1883 to
submit the following remarks on —
Mr. P. Chendiah's proposal to
exempt from charge irrigation from
wells sunk in wet lands.

2. Under present rules, such ir-
rigation is charged because the wells
are supposed to direct or tap a supply
created by Government. The reason
abandonment of the charge depends entirely
upon the proof of exhaustion that

to say on the proof that wells sunk in
wet areas diminish the supply stored
in a Government work for irrigation by
surface flow. If it can be proved
that they do the charge is justifiable.
if it cannot it is unreasonable and
should be abandoned. So far the
evidence is purely negative - it is
neither proved that they do nor proved
that they do not. It is assumed
sometimes that they do and on this
assumption the charge is made.
For this reason dry land irrigated
from an adjacent well is charged
with *tarva-jasta* or *fasa-jasta* as
the case may be, and 2nd crop
raised on single-crop
by the sole aid of an adjacent well
is charged with *fasa-jasta*.

no abatement - fast summer - of the
2nd crop charge is made when the
2nd crop on double-crop wet land
is raised by the sole aid of such a
well.

3. I have learned from Mr. Chatter
Row that his object in bringing this
question forward is more especially
to obtain the exemption from
2nd crop charge of lands classed
as single-crop lands when a 2nd
crop is raised on them by the sole
aid of an adjacent well.

4. The question must be determined
by the conclusion that may be arrived
at as to the reasonableness or other
wise of the present theory that
such wells divert and diminish
the supply stored by Government
for

to for irrigation by surface flow.

4.5. The existence of wells in a tract adjacent is prima facie evidence that the adjacent is beyond the capacity of the work for irrigation by surface flow. Such wells are chiefly intended to supplement the deficiency of the surface supply in the 2nd crop season.

Not infrequently at that time the Government work has but a scanty supply, often indeed no water at all, and the crop is raised either partially or wholly by the use of well water. Relief in such cases is certainly equitable and it remains to consider what relief law requires and how.

Under our settlements all wet lands are classed as single or

double-cropped. The former include all lands the supply to which of irrigation by surface flow for a single crop in the 1st crop season is assured in all ordinary years.

The latter embrace two kinds of land.

(1) Those to which the supply for a 1st and 2nd crop is in all ordinary years assured - such lands are not in question here.

(2) Those to which the supply for a 1st crop is ordinarily sure but to which the supply for a 2nd crop is more or less uncertain, the surface flow being generally more or less supplemented by wells. This uncertainty is differentiated and valued at varying rates all less than the normal charge for 2nd crop (i.e. half the 1st crop charge) as the ryot is allowed to compound for the 2nd crop charge at these low rates. Composition is optional but if it is not accepted the land is classed as single-crop land and is subject to the full charge for turna-jor if water is taken from a lyp source. Composition may be made at any time provided the compounded assessment is payable all years like

7. I

to 7. I do not propose to discuss at length Mr Chetwode Row's proposals for the final settlement of the Government demand on such lands for as will have appeared from the foregoing remarks they have been for the most part anticipated by our present mode of settlement.

I would however point out that by his proposal to fix the 2nd crop charge merely on consideration of the number of crops raised within a given period & time he would really tax the wells for the exemption of which he is pleading and might, by making the additional assessment compulsory, impose a permanent charge for what might have been merely casual irrigation. To meet Mr Chetwode Row's demands

demands in full it would be necessary for Government to abandon the present rule of charging for irrigation from ayacut wells in any circumstances. The rule rests as I have said on the assumption that such wells diminish the Government supply for irrigation by surface flow, but so far it is not proved that this is the fact and what is not proved should not be assumed. The Government should limit its demand for water for irrigation to what it commands: that is the surface flow. When that passes beyond its control it should not be charged for wheresoever it may be found or howsoever it may be used. I think
Government

Government might well declare

- (1) that it will make no charge for water for irrigation unless supplied from Government works by surface flow.
- (2) that Dry lands irrigated solely from Agyant wells shall not be subject to any charge for water be it *terwa-jaste* or *fast-jaste*.
- (3) that single-crop wet lands shall not be subject to *fast-jaste* for a 2nd crop raised by the sole aid of an Agyant well.
- (4) that in all current and future settlements in the case of lands admitted to composition, that is in the case of wet lands the 2nd crop supply of which is generally more or less dependent on wells the existence of wells shall be considered only so far as they afford an index to the uncertainty of the Government supply for irrigation by surface flow, that is to say they should be considered not as a ground for enhancing the

the 2nd crop charge but as a reason for reducing it. The more numerous the wells are the lower should be the rate of composition when composition is justifiable.

8. Rules to this effect would make irrigation from Agyant wells absolutely free and wells in Dry lands being already free all wells in the Presidency would in this way be placed on the same footing and be absolutely free.

I have the honour to be

Sir
Your most obedient servant
W. H. Wilson.
Director of Revenue Settlements

[Copy]

Submitted to Government for information.

W. H. Wilson.

Director of Rev. Settlements
and Agriculture.

The Secretary to Government Rev. Dept.

Comp. Settlements

Revenue 1883. 10-11-83

From

THE DIRECTOR OF REVENUE

SETTLEMENT AND AGRICULTURE,

Madras,

To

The Secretary to Govt.
Revenue Department

Dated

Despatched

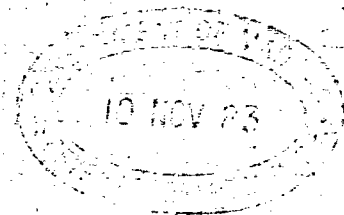
Received

No.

ENCLOSURES.

Subject.

Submitting
remarks on Mr. C. S. Row's
proposal to exempt
from charge irrigation
from wells sunk in
wet ayacuts.



BOARD OF REVENUE, 27TH NOVEMBER 1883, No. 3599.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following G.O., dated 12th October 1883, Mis. No. 4119, Revenue:—

Read—the following note by Mr. CHIENTSAL ROW, dated 9th April 1883:—

Under the existing rules,* irrigation from wells sunk in wet ayacut is not exempted from charge, whether the wells are situated within or beyond ten yards from the work of irrigation under which the land is situated. Supposing there is no water in the tank, and the ryot raises a first crop or second crop by means of water supplied from his own well, he has still to pay the wet assessment, or charge for water, as if he had received his water from a Government work. The question of exempting these wells from additional charge was considered by the Board in 1880, but they came to the conclusion that "a great deal of the best land is irrigated partly by wells; the ryots know what they have to pay; the assessment is cheerfully and easily paid, and there is no necessity to sacrifice any revenue." Government were not satisfied that there was any well founded reason for the distinction between wells in wet and dry lands, but still they thought that there was no necessity for any charge.

G.O., 3rd September 1880, No. 1083.

I think that the question of exempting wells in wet lands is of the greatest importance, for it is in these wet lands that water is nearer the surface and baling is easy, and yet it is in these very lands that their excavation is discouraged. I feel sure that if ryots are allowed to dig wells freely in their wet lands, the wet produce of the country will increase by at least 25 per cent. without the least sacrifice of revenue to Government. By declaring irrigation under wells in wet lands free of charge, I do not apprehend any danger of the ryots abandoning Government sources of irrigation and thus causing a sacrifice of revenue. For, if irrigation by surface flow can be had, no one who is sane would go to the expense of baling water from a well. The expense of baling is considerably more than the water-rate charged for surface flow, and no one would incur a larger expenditure to save a smaller one. It is only when there is no water in the tank that the ryot will bale it from his well, and this can possibly cause no loss, but will, on the contrary, be a source of gain to Government, as the cultivation will secure at least the dry assessment of the land, which, under our rules has to be remitted when there is no cultivation for want of water.

It is true that wells draw water by percolation from the Government work, but the water contained in the wells cannot be said to be so much water taken away from the tanks, for the wells generally become full during the rainy season, and it is only when they are worked and emptied that the volume of water in the tank suffers to any appreciable extent; but as I have already observed, they are not, and will not be, worked when there is water in the tank, and when there is no water in it nothing can be drawn away by the wells. It is in fact the water that has already gone under the soil that is taken by the well, and if the well does not take it, it is merely wasted. There is however one slight danger in exempting wells in wet lands, that is, the ryot may really use tank water, and say that he has used his own well water, and claim exemption or remission. This danger may be obviated by declaring that no remission of the fixed assessment will be granted, so long as there is water in the

Revenue 1883. 4-10-11

From

THE DIRECTOR OF REVENUE

SETTLEMENT AND AGRICULTURE,

Madras,

To

The Secretary to Govt
Revenue Department

Dated

Despatched

Received

No.

ENCLOSURES.

Subject.

Submitting
remarks on Mr. Chentsal Row's
proposal to exempt
from charge irrigation
from wells sunk in
wet ayacuts.

10 NOV 83

BOARD OF REVENUE, 27TH NOVEMBER 1883, No. 3599.

PROCEEDINGS OF THE BOARD OF REVENUE.

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tank whether he uses the well water or the tank water. This is but reasonable, as we charge the assessment even if the land were left waste if there was water in the tank. We may even rule that if he raises a crop partly by the use of well water and partly by the use of tank water, he shall pay full rate. I do not think it will be difficult to find out whether tank water has at all been used or not, but if it be considered that an inquiry of that sort would lead to abuse, there is a simple way of meeting the difficulty. We must classify all lands, once for all, as one crop and two crop, and assess them accordingly as they have been hitherto cultivated with one crop or two crops. I know that in some places a second crop is raised, but not every year. In such cases, I would assess the land with reference to the number of crops raised within a given period, say ten years. Supposing there is a land on which a second crop has been raised only once within the last ten years, I would add to the first crop assessment one-tenth of the second-crop charge and fix it as the consolidated assessment for both the crops. If he raised a second crop twice during the last ten years, I would add one-fifth of the second-crop assessment to the first-crop assessment, and after thus compounding assessments declare that the lands should pay the assessment fixed whenever any crop is raised, or there is sufficient water for a crop being raised. Then the ryot need not pay any more assessment, whatever be the number of crops he may raise with or without the aid of his wells. This will not only cause no sacrifice of revenue to Government, will not only encourage the excavation of wells and thereby increase the produce of the country, but will also reduce work immensely. There need be no examination of a second crop, and no calculation of water-rate. My only doubt is whether the assessment can be consolidated in the manner suggested by me in the settled districts before the thirty years period expired without the consent of the ryots. I, however, think that if the composition is made in a fair and liberal spirit, and the advantages fully explained to the ryots, they will readily consent to the measure. Then the system would be very simple. Both in the case of dry and wet, there will be one single assessment, and the ryot will be at liberty to dig wells in wet as well as dry lands, and raise any number of crops he may please. The only difference between dry and wet lands will be that, in the case of the latter, no assessment will be charged if no crop is raised for want of water.

Order—dated 12th October 1883, Mis. No. 4119, Revenue.

The suggestions made in the foregoing note commend themselves to the Right Honorable the Governor in Council; but before passing orders on the subject, he desires to have at as early a date as possible an expression of the views of the Director of Revenue Settlement and Agriculture, with the observations of the Board of Revenue thereon.

(True Extract.)

(Signed) E. F. WEBSTER,
Secy. to Govt., Rev. Dept.

To the Director of Revenue Settlement and Agriculture.
" Board of Revenue.

REPLY—the following letter from W. WILSON, Esq., Director of Revenue Settlement and Agriculture, to the Secretary to Government, Revenue Department (through the Board of Revenue), dated Madras, 9th November 1883, No. 2937-55:—

I have the honor, in reference to G.O., No. 4119, dated 12th October 1883, to submit the following remarks on Mr. P. Chentsal Row's proposal to exempt from charge irrigation from wells sunk in wet ayacuts.

2. Under present rules such irrigation is charged because the wells are supposed to divert or tap a supply created by Government. The reasonableness of the charge depends entirely upon the proof of diversion, that is to say, on the proof that wells sunk in wet ayacuts diminish the supply stored in a Government work for irrigation by surface flow. If it can be proved that they do, the charge is justifiable; if it cannot, it is unreasonable and should be abandoned. So far the evidence is purely negative—it is neither proved that they do, nor proved that they do not. It is assumed, however, that they do, and on this assumption the charge is made. For this reason dry land irrigated from an ayacut well is charged with *tirwajasti* or *fasaljasti* as the case may be, and a second crop raised on single-crop wet land by the sole aid of an ayacut well is charged with *fasaljasti*, while no abatement—*fasalcummi*—of the second-crop charge is made when the second crop on double-crop wet land is raised by the sole aid of such a well.

3. I have learned from Mr. Chentsal Row that his object in bringing this question forward is more especially to obtain the exemption from second-crop charge of lands classed as single-crop lands when a second crop is raised on them by the sole aid of an ayacut well.

4. The question must be determined by the conclusion that may be arrived at as to the reasonableness or otherwise of the present theory that such wells divert and diminish the supply stored by Government for irrigation by surface flow.

5. The existence of wells in a wet ayacut is *prima facie* evidence that the ayacut is beyond the capacity of the work for irrigation by surface flow. Such wells are chiefly intended to supplement the deficiency of the surface supply in the second-crop season. Not infrequently at that time the Government work has but a scanty supply, often, indeed, no water at all, and the crop is raised either partially or wholly by the aid of well water. Relief in such cases is certainly equitable, and it remains to consider what relief can be given, and how.

6. Under our settlements all wet lands are classed as single or double cropped. The former include all lands the supply to which of irrigation by surface flow for a single crop—in the first-crop season—is assured in all ordinary years. The latter embrace two kinds of lands—

- (1), those to which the supply for a first and second crop is in all ordinary seasons assured. Such lands are not in question here;
- (2), those to which the supply for a first-crop is ordinarily assured but to which the supply for a second crop is more or less uncertain, the surface flow being generally more or less supplemented by wells. This uncertainty is differentiated and valued at varying rates, all less than the normal charge for second crop (i.e., half the first-crop charge), and the ryot is allowed to compound for the second-crop charge at these lower rates. Composition is optional, but if it is not accepted the land is classed as single-crop land, and is subject to the full charge for *tirwajasti* if water is taken from a Government source. Composition may be made at any time, and, when made, the compounded assessment is payable in all years alike.

7. I do not propose to discuss at length Mr. Chentsal Row's proposals for the final settlement of the Government demand on such lands, for, as will have appeared from the foregoing remarks, they have been for the most part anticipated by our present mode of settlement. I would, however, point out that by his proposal to fix the second-crop charge merely on consideration of the number of crops raised within a given period of time, he would really tax the wells for the exemption of which he is pleading, and might, by making the additional assessment compulsory, impose a permanent charge for what might have been merely casual irrigation. To meet Mr. Chentsal Row's demands in full, it would be necessary for Government to abandon

the present rule of charging for irrigation from ayacut wells in any circumstances. The rule rests, as I have said, on the assumption that such wells diminish the Government supply for irrigation by surface flow, but so far it is not proved that this is the fact, and what is not proved should not be assumed. The Government should limit its demand for water for irrigation to what it commands; that, is the surface flow. When that passes beyond its control it should not be charged for wheresoever it may be found or howsoever it may be used. I think Government might well declare—

- (1), that it will make no charge for water for irrigation unless supplied from Government works by surface flow;
- (2), that dry lands irrigated solely from ayacut wells shall not be subject to any charge for water be it tirwajasti or fasaljasti;
- (3), that single-crop wet lands shall not be subject to fasaljasti for a second crop raised by the sole aid of an ayacut well;
- (4), that in all current and future settlements in the case of lands admitted to composition, that is, in the case of wet lands the second-crop supply of which is generally more or less dependent on wells, the existence of wells shall be considered only so far as they afford an index to the uncertainty of the Government supply for irrigation by surface flow, that is to say they should be considered not as a ground for *enhancing* the second-crop charge, but as a reason for *reducing* it. The more numerous the wells are, the lower should be the rate of composition when composition is justifiable.

8. Rules to this effect would make irrigation from ayacut wells absolutely free, and wells in dry lands being already free, all wells in the presidency would in this way be placed on the same footing and be absolutely free.

Resolution—dated 27th November 1883, No. 3590.

The Director's letter is submitted to Government with reference to the Government Order read above.

2. It is observed that the subject-matter of these papers was very fully discussed three years ago, and the Board, maintaining the views then expressed, are not prepared to recommend any change of policy in dealing with private wells sunk in wet lands, and they would deprecate the reopening of the questions involved in Mr. Chentsal Row's proposals.

3. The attention of Government is specially invited to paragraphs 12 and 27 of the Board's Proceedings quoted above, which recite the opinions of two revenue officers of great experience, viz., Mr. J. D. Bourdillion, and the late Deputy Collector Stree Balish; with the views of these officers the Board concur and are convinced that the rules suggested by the Director would open a wide door to fraud. Moreover any well sunk in wet land diminishes *pro tanto* the area available for cultivation, and if the proposed rule were enacted, a great impulse would be given to the construction of such wells, which, supposing a well to be sunk in every acre, might lead eventually to the reclamation of some two per cent. of the wet area. Of course, in that event, the Government would be obliged to relinquishments of wet land under existing rules, but it is necessary to provide against them by such measures as may be deemed proper.

4. At the Board meeting to take exception to the dictum laid down at paragraph 12 of the Board's Proceedings, dated 27th November 1883, No. 1083, that the formation of a tank does not diminish the area available for cultivation, which the wells tip. The Board believe that in very many cases the tanks are not properly constructed, and they have in view, for instance, tanks fed by a small stream, which receive a full supply without the aid of local rainfall. In such cases the tanks are not really received in such tanks; and inasmuch as the owners of

wells so situated derive immediate advantage from the vicinity of the Government reservoirs, the Board are unable to see any just reason for exempting such persons from payment for the benefit thus derived, or for relinquishing the considerable revenue resulting from the charges at present made; and being of opinion that the unlimited increase in the number of wells would greatly affect the quantity of water stored in the tanks above them, the Board apprehend that, by diminishing the supply of water required for surface irrigation, these wells would tend to create the very evil which their construction is meant to cure.

5. Lastly, the question seems to be likely to be much affected by section 11 of the Act (XIX of 1883) recently passed for amending the law relating to loans for agricultural improvements. The section runs as follows:—

"When land is improved with the aid of a loan granted under this Act, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land revenue upon the land; *Provided* as follows:—

"When the improvement consists of the reclamation of waste land or of the irrigation of land assessed at unirrigated rates, the increase may be so taken into account after the expiration of such period as may be fixed by rules to be framed by the Local Government with the approval of the Governor-General in Council."

Thus in the case of a well dug by means of a Government loan, dry land irrigated under it would be liable to be charged eventually an increased rate of assessment; and it, therefore, seems to the Board that Mr. Chentsal Row's proposals conflict so far with the policy of the Government of India as expressed in the enactment referred to.

(True Copies and Extract.)

L. H. B.
Acting Secretary.

To the Secretary to Government, Revenue Department.
" Director of Revenue Settlement and Agriculture.

Ed. W. J. Lewis

REVENUE DEPARTMENT.

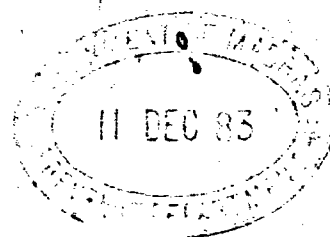
1883.

Board of Revenue,
MADRAS.

Printed December 11th.

Proceedings, 27th Nov. 1883, No. 3599.

Sept 10/12



Submitting to Government, with remarks,
later from the Director of Revenue Settlement
and Agriculture remarking on Mr. P. Chentel
It was proposed to exempt from charge irriga-
tion from wells in wet seasons.

note.

C. No. 7571

Wells in wet season
Board's Prop. 2

The whole question
seems to depend on the
theory that wells draw
off water from tanks
and channels. That they
do so is assumed by
the rules now in force
in the case of dry Ayakal
wells, but with a limit
of distance. Under
these rules, wells may be
tanks, free from addi-
tional charge, beyond
a distance of 10 yards
from the head of a tank
or the embankment of
a river or channel. If
then,

Board's standing order a river or channel. If
No. 8 - para 3.

be guarded against by
prescribing a prohibitory
limit of distance.

3. It does not appear
that any objection is
advanced on the ground
that a ryot actually
irrigating his crops from
a tank might claim
exemption from the
charge for water on the
ground that the water
came from his well.

This sort of fraud is
not more difficult to
guard against than
many others which depend
on a misrepresentation
of facts in connection
with the revenue system
of the country.

It is to be observed in the case
of well-irrigated wells,
the prohibitory limit
may be increased to 50
yards.

advised?

appears to be a
very good one.

yards (the old limit for
Boards' standard order dry ayakat wells) from
the $\frac{123}{7}$ as given in the the embankment of a
supplement fort 866. river or channel; the
present general limit of
10 yards being applied
as regards distance from
a tank bund and also

This is quite unnecessary, as the
risk is to be borne by the
owner of the well. The
provision is too strict.
The concession with this
limitation will still
be a great boon to
agriculture.

The water is abundant, and the
supply is more than sufficient.

From another ryot's well
field.

5. The Board's objection
that wells sunk in wet
land diminish profits.

The area available for
cultivation does not
seem to be entitled
to much weight, in as
much as the space
occupied by a well
must be very small.

Further, the full bulk of the
ayakat wells are included in
the water system; the people
willingly pay on the area of the
land, as their property in them
is thus secured at any rate
needed. Very few of the wells
are of a dangerous aspect
to be.

Taking it on the average
to be a hundred square
feet, and the extent
cultivated under a
well

and $1\frac{1}{2}$ acres; the ratio
of the former to the latter
would be .15 per cent.
Against any loss of
produce to this extent,
however, there is the
amplest set off in a crop
being raised in all
those cases where none
is now raised from
want of water.

As to regards the pro-
-viso to Section 11 of
the new Land Improve-
-ment Lease Act, to
which the Board refer
in their para 5, it is
to be observed that the
Govt of India instructions
— para 4 — in reference
to this Act (vide G.O.
of 30 Nov 3, 1883. No 1497),
leave the local Govt
full discretion to exempt

improvements

* See statistics given
in Board's Rep in G.O.
of 3rd Sep 1880 No 1583.

improvements if the
nature of irrigation
from the prospective
change therein considered.
Should it be decided
to make any concession
for wet as against well,
it will be necessary to
obtain the previous
sanction of the Secretary
of State — vide notes
appended to the draft
of Misc G.O. of 12 October
1883. See also G.O. of 11 Nov 83.
The former's proposals go beyond
chevical Rows. The latter desire
freedom for wells in wet lands
& the former wishes to fix in all
two wells in dry lands each
within the limit of distance
from a tank or channel.
As pointed out in the note
above, there is an anomaly
if in the treatment of the
two classes, if the change is based
exclusively on the theory of the
ground water being taken

by circulation through the soil
it will near the work may be
depleted, while one far off may
be charged. On this theory
the practice under the rule is
unfounded in another way.

Change is now made on wells
within the prescribed limit;
the water, head of a tank, though
that is, above the work; though
the subsoil water cannot flow the
other way.

~~There is no doubt that the wells~~
~~are not built in such a way~~
~~as to prevent percolation~~
The Board's theory that the wells
are fed by the works is probably
as far from the truth as it is likely.
That they only take water which,
having drunk into the subsoil, had
got beyond the power of Govt to stir
up it. On the one hand the
wells take subsoil water which
would be there whether the
tanks were built or not; &
on the other the presence of the
wells induces percolation

both from the tanks and from
the fields, irrigated from the
tanks. As to the degree in which
each influences the supply of
the wells, no general rule can
be found to found a decision;
can, from the very nature of
the case be laid down.

The question therefore, is I sub-
mit not, whether the wells
are supplied from the tanks or
not, but whether it is expedi-
ent to encourage their con-
struction. I submit that it
is undoubtedly so. Apart from
the desirability of encouraging
private enterprise & agricultural
improvement, I believe that
the effect on the revenue would
be beneficial, and that, were
these wells universal, I have
(withered crop) & missions would
disappear. In Salem, where
these wells are very numerous,
it is certain that but for them

*There are nearly three times
as many in N. Prov.

at least two thirds of the
 wet season if the district
 is to be lost. The tanks, however,
 seldom supply for more than
 half the cultivating season, and
 failure of the direct supply
 the crops are brought sometimes
 by means of well water. The
 full wet arguments are changed
 in such cases. I would maintain
 this rule; and when the
 tank got any supply at all, I
 would lay the full wet argu-
 ment, whether single crop or
 double crop changes. But if
 rain is (Tirakammi or
 Jeral kammi) were given on
 the ground of insufficiency nearly
 but complete absence of tank
 supply, there would be no end
 of ground. I think ^{that if} Tirakammi
 (water duty) on irrigation from
 wells in wet lands, & increasing
 also from wells in dry lands
 within the prescribed limits
 of distance from a work

At Tirakammi, the
 double crop wet land should
 be in the same class as
 the second crop
 in a single crop area

are abolished, well cultivated
 will be practically free, and
 a valuable concession will have
 been made.

Mr. Wilson's first three rules
 would run better as follows:-

1. No water rate, for first or
~~second crop~~, shall be charged
 on ^{dry} land irrigated from private
 wells wherever situated.

A.B. The word "private" will
 save the case of wells recognized
 as ancient public wells, & in
 fact govt. works. There are many
 of these & they are all in Poram-
 bore. Mr. Wilson's first rule
 negates all charge for irriga-
 tion by lift, which is not necessary.

2. Wet lands irrigated from
 private wells shall be charged
 dry rates, ~~for~~ ^{if} single crop lands,
 & shall be ~~for~~ ^{exempt} from
 charge for second crops, if during
 the first & second crop season
 respectively, the tank or other
 work shall have received no
 supply whatever. Provided that

3. Single crop wet lands shall not
 be subject to payment for a second
 crop raised by the side and of a
 private agency well unless owing
 to the total failure of the govt. service
 of supply a single crop is raised
 solely by such means only the dry
 rate of assessment shall be charged.
 The same rule shall apply
 to double crop wet lands
 with the proviso that if

the defense charges

been compounded, the full
amount should be charged

if during 1-year ~~employment~~

~~finds them in a right hand~~

[Faint, illegible handwriting]

work has received any suppl. 2 & the 1st 2nd place
Wilson's rule 4

On financial effect analysis

Is calculation absolutely necessary.

calculations absolutely accurate. But if the error in

rate; but it sometimes has
little or no effect.

difficult to get returns of

data not on by land things

for inspection from well fitted.

fed in wet lands or within

The prescribed limit of litigation

the prescribed limit of extension
 from a coal bed to the surface

more a work. But I do find that
the more I do, the more I find

The matter need not be delayed
longer.

As this

22

Beaten by wind

Re-Appeal to Indian
Shelter Commission

0.02200 12.44.00

0-52-284 102 10-11-84
Ratings, D 18-11-84

but the exception of the latter

which is a most
 position & a good one - should
 change position

Make the change
relative for the first

the good reasoning
the 2d of reasoning should

the right - shown
that counting round it
since 1811/1812

experience. I do not know
by direct -

the last week of
such necessity

10/2

quite agree as to the
value of the chance and

live in the office

... it will be necessary
to obtain the necessary

[illegible]

10

then depends on changes

been compounded, the full
assessment shall be charged
if during the year complete

final assessment on right hand

shall be made of the

work has received any supply

2 & the Judge please to
Wilson's rule 4.

The financial effect would

be calculated absolutely accu-

rate; but it should be

difficult to get returns of

water out on dry land things

for irrigation from well sites

that in wet lands or within

the prescribed limit of distance

from a well. But I submit that such

the matter need not be delayed

in this.

Re-appeal to the

commission

into the exception of
4 which is a most settled
direction & a good one
marks the change of system
tentative for the first
the first reservation
the right of reservation
that starting should
experience would be
sufficient. I do not
the least water supply
the least water supply

I quite agree as to the
value of the change but
I do not think it is
desirable modification
limited only in the office
note it will be necessary
first to obtain the
of State's sanction to the
change

50 17.5.84

I am all in favour of encouraging well-cultivation, but really the subject is so darkened by words not without knowledge but with too much knowledge that I do not understand what I am asked to decide. The attention of the Director of Revenue Settlement should be drawn to the order of Government about the use of English words & the Revenue Secretary will perhaps be good enough to come here on Saturday morning at 10 with a view to having a further talk after explanation.

W. H. S. 17/5/84

21-4

No 652 of 17.5.84.

C. No 7871

Read Prop of the Board of Revenue, dated 27th November 1883, No 3599.

The question of encouraging well cultivation is one of extreme importance, and considerable advances have from time to time been made in the direction of placing capital sink in such improvements from special charge in the shape of assessment on the crops raised. The early correspondence and the development of the system now in force are traced in Board's Prop. 8th June 1880

[Signature]

No. 785. The tendency has been towards liberality, both in the interpretation of the principle and in the rules for its practical application; the limit of distance within which well irrigation is to be subject to special charge having been reduced till it is now no more than 10 yards. There has always been a considerable body of opinion in favour of still further relaxation of the rules on the subject; and in 1878, the Govt. went so far as to direct that no distinction should be made between wells sunk in wet and dry land, and that no charge should be imposed on second crop.

Crop in wet land measured under well irrigation. This order however was not carried into effect in deference to instructions from the Secretary of State who thought the proposed change of such importance as to require further discussion; and on the Board in their Prop of 8th June 1880 No. 785 submitting recommendations adverse to change, the Government (apparently with hesitation) came to the conclusion that the revision of tank ayaats would afford all the relief necessary (G.O. S. Sept. 1880 No. 1083).

2. The matter is

more entirely accepted
in the papers read before
the Central Pro. Bd. Head
Quarter of the Board
of Revenue and the Di-
rector of Revenue and
Agriculture, an officer
of great experience, are
in favour of abolishing
all restrictions re-
specting the ex-
ercise of wells, but
the Board deprecates
the relaxing of this
subject, and would
make no change in
the rules regarding wells
in wet lands.

3. The Right Honorable
the Governor in Council
observes that of the nine
collectors consulted by the
Board from 1877 to 1880,
six were in favour of
some relaxation of the
rules, and only three
considered no change necessary.

The Board themselves in 1877,
(Proc. 14 Aug. 1877, No. 215) fully
admitted that in years of ex-
ceptional scarcity for the indig-
ence is required. They were
disposed to suggest that when
the supply to a Government
work entirely fails, crops in
wet lands raised by means
of wells should only be charged
with dry assessment, but were
deterred ^{from doing so} by the difficulty of
dealing with the case of par-
tial failure of supply to
the Government work, and
by fear of danger to the re-
venue, the financial con-
sequences of the measure
being uncertain.

4. The controversy has
hitherto turned on the question
how

how far the supply to the wells is derived from the Government works, and the charge of irrigation assessment has been justified on the ground that the ^{well} water is derived as much as belongs to Government as that distributed by surface flow from the Government store. In this point of view there is no distinction to be made between wells in dry land within the prescribed limit of distance from a work, which

which derive supply by subsoil percolation from the work itself - and wells in wet lands - which are fed either by such percolation, or by percolation or surface flow from circumjacent lands irrigated from the work. Two classes of wells are on a par and should be treated alike.

5. The Govt. are of opinion that the opposing theories of the exclusive dependence of the wells upon the Govt. store of water, and upon subsoil drainage unaffected thereby, are equally wide of the truth, and that the expediency of carrying further the liberal policy of exemption

which has been hitherto
followed is not a question
to be decided upon such
considerations. No one doubts
that the supply in these
wells is affected by the
presence of water in a
tank above, or on adjacent
lands, but on the other hand
the extent to which the
level of water in the tank
is affected by baling, from
the wells is probably scarcely
appreciable. The chief function
of wells in wet lands is to
enable the ryots to bring to ma-
turity, after the exhaustion of the
tank supply, crops which have been
sown & half grown by direct irrigation,
or to grow second crops in lands
which would yield none if depen-
dent on the tank alone. The situation
of wet lands, generally speaking is far
more favorable for irrigation at the subsoil supply, quite

of the supply stored in the
tanks, is pointed out by
Colonel Row no one will incur
the expense of baling, if irri-
gation by surface flow can
be had. It is noticeable that
the adjacent wells are most
numerous in the inland dis-
tricts, where the irrigated lands
are for the most part de-
pendent on small tanks,
which have become in time
deteriorated by silting, and
where the rainfall is pre-
carious. Mr. Wilson's pro-
posed ^{fourth} rule brings this out
strongly. His Excellency the
Governor in Council is per-
suaded that in such loca-
lities not only does the ryot
by means of ^{adjacent wells} ~~them~~ save his
crop

crop, but without them the Government would lose the greater part of its wet revenue. Their effect in saving remission for wintered crop is undoubtedly very great.

6. The policy of encouraging such wells can therefore hardly be questioned, and the Govt agree with Mr Chintal Rao in thinking that there is no danger of concession in the matter being abused. Referring to the Board's objection in para 3, the Govt observe that wells will not be sunk in wet lands and the area available for cultivation ^{thus} diminished unless this is paid by increasing

265 9
increasing the yield of the whole field. In extreme cases put in para 5 is not likely to arise, and if it does there are other remedies more potent than the charge of water rate. The Govt do not view Sec. II Act IX of 1883, as a bar to concession, or as declaring an obligatory policy.

His Excellency the Govt in Council therefore approves the principle which underlies the proposals of Messrs Chintal Rao and Wilson, viz that irrigation from private wells should be free from charge for water, either in the shape of water rate on crops in dry land irrigated, or of water rate or fixed assessment on crops, whether first or second raised

raised in wet lands. In regard to wet land, it is necessary in order to prevent fraud and disputes, to rule as proposed by Mr. Chentel Row, that the concession shall be restricted to cases where ^{no} supply whatever is received in the Govt. work. Also, it is to be understood that the concessions which Govt. are about to sanction has application only to private wells, and that no change is contemplated as regards wells known as Govt. wells or as regards Government wells, which are public sources of irrigation.

Mr. Wilson's first rule goes too far, in that it exempts all irrigation ^{being} lift, and not ^{surface} irrigation

if the Board see no objection to them, they may be issued at once.

87. 16
from wells, and his fourth rule, though stating a sound principle, is ^{rather} rather an instruction to settlement officers than a rule to be embodied in a code of revenue charges. The following rules express the intentions of Government, and

1. No water rate shall be charged on dry land irrigated solely from private wells, wherever situated.

2. In wet land, provided the tank or other work receives no supply whatever during the period the crop is on the ground, crops raised under irrigation from private wells shall be charged

(a) In single crop lands for the first crop dry rates, for the second crop, nothing.

(b) In registered double

Note: In wet land of any

crop land, for the first crop dry rates, for the second crop half-so.

(c) In land where the second crop charge is compounded, single dry rate.

9. These rules should be introduced experimentally from next fiscal year. The effect should be carefully noted by collectors under instructions which the Board will issue, and fully discussed in the annual jamabandi reports. The number of new wells constructed in wet lands, or in dry lands within the limit hitherto prescribed, should be reported, and the effect of the well, old and new in diminishing

Note. In such land, if a supply is received during the first crop, but none during the second, the charge will be $\frac{2}{3}$ of the total two crop rate plus half dry rate. If the case is reversed, dry rate plus $\frac{1}{3}$ of the total two crop charge.

Note. In such land, the full compounded rate will be charged, if any supply is received during the year.

remission

remission for ~~whani~~ (withered crop) should be noticed. The Government observe that the figures given in the Board's Progr. of 1880, as to the number of ayaat wells and the extent of land affected by them, besides being incomplete, ~~offer~~ no basis for an estimate of the financial effect of the measures now ordered. For the whole of that extent will not be exempt under the new rules, and it is impossible to estimate and set off the amount of remission saved. The expediency of continuing the rules will be considered after they

Line

have been in force for
three years.

10. The Proceedings will
be reported to the Secretary
of State with reference to
Lord Cranbrook's despatch
9 January 1879 p. 2 (Previous)

W.C.

11. The attention of the Direc-
tor of Res. Lett. will be
called to the orders regarding
the use of vernacular
terms in English correspondence.

sol.

To the Board of Revenue
25 & 26 of Res. Lett. p. 10
21 & 22 of Res. Lett. p. 10
1. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Cultivation under Private wills

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