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MADRAS RECORD OFFICE

Government of Madras

Revenue

DEPARTMENT

G.O. No.	<i>954</i>	Press	<i>Original</i>
~~B.P.~~ No.		Mis.	
Dated	<i>20th August</i>	<i>195</i> <i>1884</i>	

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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 17th July 1884, No. 2450:—

Read—G.O., dated 17th May 1884, No. 652, Revenue:—

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

Resolution—dated 17th July 1884, No. 2450, Revenue.

In the above Proceedings the Government set forth the rules which express their intentions with reference to the exemption of land irrigated from private wells from all charge for water. They declare in paragraph 5 that the chief function of wells in wet lands is to enable the ryots to bring to maturity, *after the exhaustion of the tank supply*, crops which have been sown and half-grown under direct irrigation or to grow second crops on lands which would yield none if dependent on the tank alone. Accordingly, in paragraph 7, they approve the following principle, viz., that irrigation from private wells should be free from charge for water either in the shape of water-rate on crops in dry lands irrigated or of water-rate or wet assessment on crops, whether first or second, raised in wet lands; and they point out that, to prevent fraud or dispute, the concession must be restricted to cases *where no supply whatever* is received in the Government work.

2. The Board accept the decision of Government and trust it may be found in practice to work as much to the benefit of the ryots as the Board and Government wish. They, however, avail themselves of the permission granted in paragraph 8 of the Government Order to point out a few technical objections to the wording of the rules and to offer very respectfully a few remarks on their probable working.

3. Rule I.—“No water-rate shall be charged on dry lands irrigated solely from private wells wherever situated.”

The Board would suggest that it would be better to substitute for the words “wherever situated” the words “provided that such wells are situated on land which is private property.” This reservation is necessary to prevent people sinking wells on Government waste or in channel or tank poramboke, and so cutting into the banks or bunds of such works for the purpose.

4. Rule II.—“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 rate; for the second crop, nothing.

“(b) In registered double-crop land—for the first crop, dry rates; for the second crop, half dry rates.

NOTE.—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 charge plus half dry rate. If the case is reversed, dry rate plus one-third of the total two-crop charge.

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

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

5. The Board would observe first of all in respect of this rule that the "dry" rates to be charged are not specified. This must be settled. In unsettled districts the highest dry rate of the village, and in settled districts the dry rate corresponding to the class of wet land in which the well is situated, should, the Board consider, be fixed. They would next remark that the words "provided the tank or other work receives no supply whatever during the period the crop is on the ground," taken with the wording of the first "note," appear to contemplate the following possibilities:—

- (A) If the cultivation of a "wet" field in a tank ayacut classed as double-crop is begun from a private well while the tank is quite dry, and if at any time before the crop is reaped a supply of water (though only sufficient for one day's irrigation of part of the ayacut) is received by the tank, then the full wet assessment for a single crop (at least) will be leviable on the field, and if, after the first crop has been thus raised almost entirely by well irrigation and the tank has again become dry, another single day's supply of water is received in it after the second-crop cultivation has been commenced by means of well water, the assessment payable will be the full double-crop wet assessment, although it may be possible that not a drop of the supply received by the tank has reached the field in question. This is, of course, an extreme case, but it may happen, and in a dry season the Government and the whole of the ryots of the village would alike be at the mercy of the karnam in respect of the assessment, if a shower fell and brought a little water into the tank, even though it was too small a quantity to be available for irrigation.
- (B) A tank receives a little water, enough to let the whole or part of the ayacut be prepared for being planted, and then not another drop till just after the first crop is matured with the aid of the well water available. Then another slight fall of rain enables the second crop to be begun, and again no more rain falls. This case is nearly as extreme perhaps as the former one, but is by no means impossible. Here, too, full double-crop assessment will be leviable, and in both these cases the wells will have discharged their functions to the utmost; without them the crops would have failed; with them they are saved; but practically the wet assessment is levied in both these cases in respect of the *water of the wells*, which is at direct variance with the principle laid down by Government in paragraph 7 of the Government Order under reply.
- (C & D) In these two cases the land is cultivated and two crops are matured, half by means of tank-water and half by that of well water, the former being available either at the beginning or end of each crop. Here only half the water is supplied by Government, but still full double-crop assessment is leviable.
- (E) In this case the two crops are raised almost entirely by tank water, but are saved from failure on each occasion when near maturity, and when that supply has failed, by well irrigation. Here the wells discharge the function which it is contemplated they will usually perform, and the full assessment is secured to Government, but even here the well water is taxed to some extent.

6. In all the above cases the great desideratum, viz., the salvation of the crops, may be secured, but often this will be the case only at a cost to the ryot of labor or outlay which it is doubtful whether he will face, because he will soon see that the harder he works at his well, the more certain it is that he will have to pay the full wet assessment. It may indeed happen that he will rather let his crop fail and try and get remission. Take, for instance, the case of a holding under a tank, but with a

good well on it. As a rule, it is doubtful whether the ryot will begin to cultivate till he can do so with tank water. Having done this, he will only use his well when the cost of doing so, added to the assessment and cost of cultivation, are likely to be more than covered by the outturn of the crop; otherwise he will say the first loss is the least, and will let his crop and his well alone and claim remission when the former has withered. But under these circumstances will he be entitled to any remission? The rules as they stand seem to amount to a declaration that the advent of *any water whatever* into a tank, no matter how small the quantity, is to be regarded as equivalent to a full supply for a whole crop season, and therefore to throw the responsibility of cultivating and maturing a crop entirely on the ryot, who, if he fails to succeed, will get no remission, that is, *if his land is commanded by a well*, but if there are no wells in the land, the proposed rules will not apply, but the remission rules will as of old. Surely this result is not likely to encourage the sinking of wells.

7. The matter is of such importance, and it is of such moment that no action should be taken in respect of it without the fullest deliberation that the Board offer no apology for pointing out to the Government how differently the proposed rules may really work to what is intended.

8. That it is a great advantage that every facility should be afforded for the sinking of wells there can be no doubt, provided the rules on the subject are such as to secure the owners of them the fullest possible advantages from their use and thereby to stimulate them to make the greatest possible use of them without any injustice to them or to the State; but, while one simple rule will easily govern the case in respect of "dry" lands, it becomes a much more difficult matter when wells are to be sunk in land subject to a *consolidated wet* assessment. If this system of consolidated assessment was abolished and a water-rate everywhere levied in respect of lands supplied with Government water, the matter might possibly be put on a satisfactory footing without much difficulty; but a great loss of revenue would almost certainly follow, for the ryots could not be compelled to take Government water in preference to that of their own wells, and the working of the rules would throw great responsibility on village officers and leave open many opportunities for fraud. Moreover, the Board do not know whether Government are prepared to face this question, and under existing circumstances do not feel at liberty to discuss the matter further. They fear, however, that the rules as drafted by Government will not prove as beneficial as the Government wish.

9. The Board also consider that the difference of treatment proposed by the second of the Government rules for second crop on single-crop land and on registered double-crop land is essentially unsound in principle. In the case stated in the preamble to the rule, the two kinds of land are on precisely the same footing; the tank or other source of supply has not a drop of water, and can give nothing for a second crop to either the one kind of land or the other. It has been accepted as a principle of account that all second-crop charges or essentially water-rates, that is, a charge made for water supplied; but when, according to the hypothesis, there is no water to supply, the reason for the charge disappears. In the case stated by Government, then, in rule II, there should, the Board consider, be no charge for a second-crop raised on registered double-crop land any more than for a second crop raised on single-crop land. The mere fact of registry in the double-crop category does not, in the circumstances stated, make the case of double-crop lands one whit better than that of their neighbour single-crop lands under the same source of supply. Moreover, it seems inequitable, and it often would be so in practice, to impose a full charge assessment simply because a tank may receive a supply of water however small. Equity would at least demand the possibility of the water reaching the land. The difficulty may be avoided, if not entirely got over, however by adopting for all registered double-crop lands the principle that whenever there are wells in such lands, the second-crop charge shall be *invariably compounded for*. The essence of composition is payment of the compounded assessment in all cases, but that of absolute failure of the supply for both crops; failure for the second crop only is no ground for remission.

10. Having said this, as they feel it their duty to do, the Board will only add that they consider that the wording of rule II, if the Government decline to modify its principles, should be altered as follows:—

Rule II.—When crops are raised on lands assessed as “wet” entirely by means of irrigation from private wells, they shall only be charged as follows:—

- (a) On single-crop lands—for the first crop, the classified dry rate in settled districts. In unsettled districts the highest dry rate in the village. If a second crop is raised by the same means on such land, then no charge at all shall be made in respect of it.
- (b) On registered double crop land; for the first crop, the classified dry rate in settled districts, and in unsettled districts the highest dry rate of the village, and for the second crop half such dry rates. Provided that, if the tank or other work to the ayacut of which the land belongs receives any supply whatever of water during the cultivation of the first or second crop, the crop then growing or raised in that season immediately subsequent to the receipt of such supply shall be held to have been raised by means of such water.

Example.—A tank under which there is double-crop land receives a supply of water while the first crop is being cultivated by well irrigation, but none while the second is being raised. The assessment will be the full single-crop wet assessment for the first crop plus half the classified dry rate or highest dry rate of the village for the second according as the village is settled or not. If the case is reversed, the assessment for the first crop will be the dry rate as above, and for the second crop half the single-crop wet assessment.*

* Two-thirds of the full double-crop assessment does not always represent the single-crop charge.

- (c) On land where the second-crop charge is compounded for, single dry rate only will be charged. Provided that, if any water is received during the year by the Government work under which the said land is situated, the full compounded rate will be charged.

(A true Copy and Extract.)

(Signed) E. GIBSON,
Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Director of Revenue Settlement and Agriculture.
to M.R. Mr. P. Chentsal Rao Pantala Gáru.

ORDER—dated 20th August 1884, No. 954, Revenue.

Land Revenue, No. 107.

The Government accept the Board's suggested amendment to rule I on the understanding that it is to be limited to wells excluded from the exemption

wells dug hereafter. As drawn by the Board, the rule excludes from the exemption private wells heretofore constructed on waste—which are numerous.

2. With reference to the Board's remarks on rule II, the Government observe that the definition proposed by the Board of the expression “dry rate” is universally understood and prescribed for like cases; but there is no objection to its being embodied in the rules.

3. The restriction of the operation of this rule to cases where the tank receives no supply whatever, was deliberately adopted as a matter of practical necessity and in accordance with the suggestions of Mr. Chentsal Rao. If the tank receives any water at all, it is impossible to say whether it has or has not been used for the irrigation of the land under a well, and the nearer the supply received approaches sufficiency, the more difficult it is to decide whether the land should be exempted from water charge or not. The Government are fully aware that the limitation laid down will considerably restrict the scope of the rules; but to abolish it and apply the rules in all

cases when the tank supply is not certainly sufficient—as the Board apparently desire—would lead to enormous sacrifice of revenue. Even as it stands, however, the rule makes a considerable concession; and the Government do not share the Board's apprehensions that ryots will not use their wells in view to getting remission. Experience shows that ryots will dig wells and use them when certain (as now) of being charged wet rates if they save the crop; much more will they do so, when they can, under certain circumstances, both save the crop and escape the wet rates. The Government prefer the wording of the rule as drawn by them to that in the Board's paraphrase in the last paragraph of the Proceedings. The wording “entirely by means of irrigation from private wells” leaves room for the grant of remission when the tank may have received a supply but where the holder of well lands asserts that he never used the water.

4. It was never intended, however, that the existence of a well in wet land should affect in any way the claims of the holders of such land to remission under the ordinary rules. In circumstances where, under the rules, remission can be given in the case of other lands under the same work, it should be allowed for well lands which have been left waste, or in which, though cultivated, the crops have withered. An express statement to this effect will be added to the rule.

5. In paragraph 9 of the Board's Proceedings, they apparently object to any charge being made at all for second crops grown under wells on registered double-crop land. Observing that two-thirds of the full double-crop assessment does not always represent the single-crop charge, they substitute for the two-thirds rate the “full single-crop assessment” for the first crop, but retain for the second crop half the single-crop wet assessment. The proportion of two to one is certainly most usual, if not absolutely universal, for first and second crop in registered double-crop land, not compounded for; and the second-crop portion includes half the charge for land as well as half the charge for water. For this reason the Board's contention that the second-crop charge is essentially water-rate cannot stand; and the Government retained half dry rates for second crop under wells in registered double-crop lands. The case is not of much importance as there are hardly any wells in registered double-crop lands, the supply of which is usually fully assured; and the Government, on the Board's representation, will abandon this half dry rate charge. They fully approve the principle of composition which is being carried out in settlements in progress; but while registered double-crop lands, entitled to remission when supply is available for only one crop, exist, the case of their containing wells must be provided for.

6. The rules as now amended will be issued as follows:—

Rule I.—No water-rate shall be charged on dry lands irrigated solely from private wells, situated on land which is private property, or constructed prior to the issue of these rules, within whatever distance the wells may be from a public irrigation source.

Rule II.—In wet land, provided the tank or other irrigation source receives no supply whatever during the period the crop is on the ground, crops raised under private wells shall be charged:—

- (a) In single crop or registered double crop land—for the first-crop, dry rate; for the second-crop, nothing.

Note.—In registered double-crop land, if supply is received during the first crop, but none during the second, the charge will be the single-crop wet assessment, if such is separately assessed; if not, two-thirds of the total double-crop wet assessment. If supply is received during the second-crop, but not during the first, the charge will be dry rate plus the second-crop wet assessment if such is separately assessed; if not, one-third of the total double-crop wet assessment.

- (b) In land when the second-crop charged is compounded, single dry rate.

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

Explanation.—“Dry rate” means in settled districts, the dry rate fixed for the class and sort of soil and group; in unsettled districts, the highest dry rate of the village.

Rule III.—Nothing in the foregoing rule shall be held to prejudice the claims of holders of wet lands containing or irrigable from private wells, to remission under the ordinary rules for waste or withered crop.

(True Extract.)

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

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

Exd. J. W. Fischer.

100 Copies.

Gobt. of 1884 Madras.
REVENUE.

Issued

Recd.

Encl.

G.O., 20th August 1884, No. 954.

AUGUST.

Private Wells.

Modifying the revised rules prescribed with
respect to the charge to be made for irrigation
from —.

BOARD OF REVENUE, 17th JULY 1884, No. 2450.

PROCEEDINGS OF THE BOARD OF REVENUE.

Read—the following G.O., dated 17th May 1884, No. 652, Revenue :—

Read—the following Proceedings of the Board of Revenue, dated 27th November 1883,
No. 3499 :—

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

Read—the following note by Mr. CHENTHAL RAO, 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 change.

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 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 in 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.
,, 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. 2887-55:—

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 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 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 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. 3599.

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 G.O., dated 3rd September 1880, No. 1083. . . 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 Bahadur, 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 river channels which often receive a full supply without the aid of local rainfall. It cannot be doubted that the water-level of the neighbouring wells at once rises in consequence with the supply 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 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 matured 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 observes that of 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, No. 24) fully admitted that in years of exceptional scarcity further indulgence 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 dry assessment; 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 danger to the revenue, 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 justified on the ground that the well water so derived as much 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 an irrigation work, 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. Both classes of wells are on a par and should be treated alike.

5. The Government are of opinion that the opposing theories of the exclusive dependence of the wells upon the Government 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 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 baling from the wells is probably scarcely appreciable. The chief function of wells in wet lands is to enable the ryots to bring to maturity, after the exhaustion of the tank supply, crops which have been sown and half grown under 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 low-lying, is favorable for getting at the subsoil supply, quite independent of the supply stored in the tanks. As pointed out by Mr. Chentsal Rao, no one will incur the expense of baling if irrigation by surface flow can be had. It is noticeable that the ayacut 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 time deteriorated from silt, and where the rainfall is 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 ayacut 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.

6. The policy of encouraging such wells can therefore hardly be questioned, and the Government agree with Mr. Chentsal Rao 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 extreme case 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 11, 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. Chentsal 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. Chentsal 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 dasabandam 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 an 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 technical objection to them, they may be issued at once:—

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 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.

NOTE.—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 charge *plus* half dry rate. If the case is reversed, dry rate *plus* one-third of the total two-crop charge.

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

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

9. These rules should be introduced experimentally from next fasli 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 wells, old and new, in diminishing remission for shavi (withered crop) should be noticed. The Government observe that the figures given in the Board's Proceedings of 1880, as to the number of ayacut wells and the extent of 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.

10. These Proceedings will be reported to the Secretary of State with reference to Lord Cranbrook's despatch, 9th January 1879, No. 2 (Revenue).

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,
Secy. to Govt., Rev. Dept.

To the Board of Revenue.

„ the Director of Revenue Settlement and Agriculture.
„ the Public Works Department, Irrigation Branch.
„ M.R.Ry. P. Chentsal Rao Pantulu Gáru.

RESOLUTION—dated 17th July 1884, No. 2450.

In the above Proceedings the Government set forth the rules which express their intentions with reference to the exemption of land, irrigated from private wells, from all charge for water. They declare in paragraph 5 that the chief function of wells in wet lands is to enable the ryots to bring to maturity, *after the exhaustion of the tank supply*, crops which have been sown and half grown under direct irrigation, or to grow second crops on lands which would yield none if dependent on the tank alone. Accordingly in paragraph 7, they approve the following principle, viz., that irrigation from private wells should be free from charge for water, either in the shape of water-rate on crops in dry lands irrigated, or of water-rate or wet assessment on

crops, whether first or second, raised in wet lands; and they point out that to prevent fraud or dispute, the concession must be restricted to cases *where no supply whatever* is received in the Government work.

2. The Board accept the decision of Government and trust it may be found in practice to work as much to the benefit of the ryots as the Board and Government wish. They, however, avail themselves of the permission granted in paragraph 8 of the Government Order to point out a few technical objections to the wording of the rules, and to offer, very respectfully, a few remarks on their probable working.

3. Rule 1.—“No water-rate shall be charged on dry lands irrigated solely from private wells, wherever situated.”

The Board would suggest that it would be better to substitute for the words “wherever situated,” the words “provided that such wells are situated on land which is private property.” This reservation is necessary to prevent people sinking wells on Government waste or in channel or tank poramboke, and so cutting into the banks or bunds of such works for the purpose.

4. Rule 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 rate; for the second crop, nothing.

(b) In registered double-crop land; for the first crop, dry rates; for the second crop, half dry rates.

NOTE.—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 charge *plus* half dry rate. If the case is reversed, dry rate *plus* one-third of the total two-crop charge.

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

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

5. The Board would observe first of all in respect of this rule that the “dry” rates to be charged are not specified. This must be settled. In unsettled districts the highest dry rate of the village, and, in settled districts, the dry rate corresponding to the class of wet land in which the well is situated, should, the Board consider, be fixed. They would next remark that the words “provided the tank or other work receives no supply whatever during the period the crop is on the ground” taken with the wording of the first “Note” appear to contemplate the following possibilities:—

(A.) If the cultivation of a “wet” field in a tank ayacut, classed as double-crop, is begun from a private well while the tank is quite dry, and if, at any time before the crop is reaped, a supply of water (though only sufficient for one day’s irrigation of part of the ayacut) is received by the tank, then the full wet assessment for a single crop (at least) will be leviable on the field, and if, after the first crop has been thus raised almost entirely by well irrigation, and the tank has again become dry, another single day’s supply of water is received in it, after the second-crop cultivation has been commenced by means of well water, the assessment payable will be the full double-crop wet assessment, although it may be possible that not a drop of the supply received by the tank has reached the field in question. This is, of course, an extreme case, but it may happen; and in a dry season the Government and the whole of the ryots of the village would alike be at the mercy of the Karnam in respect of the assessment, if a shower fell and brought a little water into the tank, even though it was too small a quantity to be available for irrigation.

(B.) A tank receives a little water, enough to let the whole or part of the ayacut be prepared for being planted, and then not another drop till just after the first crop is matured with the aid of the well-water available. Then another slight fall of rain enables the second crop to be begun and again no more rain falls. This case is nearly as extreme perhaps as the former one, but is by no means impossible. Here, too, full double-crop assessment will be leviable, and in both these cases the wells will have

discharged their functions to the utmost; without them the crops would have failed, with them they are saved; but practically the wet assessment is levied in both these cases in respect of the *water of the wells*, which is at direct variance with the principle laid down by Government in paragraph 7 of the Government Order under reply.

(C & D.) In these two cases the land is cultivated and two crops are matured, half by means of tank-water and half by that of well-water, the former being available either at the beginning or end of each crop. Here only half the water is supplied by Government, but still full double-crop assessment is leviable.

(E.) In this case the two crops are raised almost entirely by tank-water, but are saved from failure on each occasion when near maturity, and when that supply has failed, by well-irrigation. Here the wells discharge the function which it is contemplated they will usually perform, and the full assessment is secured to Government, but even here the well-water is taxed to some extent.

6. In all the above cases the great desideratum, viz.; the salvation of the crops, may be secured, but often this will be the case only at a cost to the ryot of labor or outlay which it is doubtful whether he will face, because he will soon see that the harder he works at his well, the more certain it is that he will have to pay the full wet assessment. It may indeed happen that he will rather let his crop fail and try and get remission. Take, for instance, the case of a holding under a tank but with a good well on it. As a rule, it is doubtful whether the ryot will begin to cultivate till he can do so with tank-water. Having done this, he will only use his well when the cost of doing so, added to the assessment and cost of cultivation, are likely to be more than covered by the outturn of the crop; otherwise he will say the first loss is the least, and will let his crop and his well alone and claim remission when the former has withered. But under these circumstances will he be entitled to any remission? The rules as they stand seem to amount to a declaration that the advent of *any water* whatever into a tank, no matter how small the quantity, is to be regarded as equivalent to a full supply for a whole crop season, and therefore to throw the responsibility of cultivating and maturing a crop entirely on the ryot, who, if he fails to succeed, will get no remission, that is, if his land is commanded by a well, but if there are no wells in the land, the proposed rules will not apply but the remission rules will, as of old. Surely this result is not likely to encourage the sinking of wells.

7. The matter is of such importance, and it is of such moment that no action should be taken in respect of it without the fullest deliberation that the Board offer no apology for pointing out to the Government how differently the proposed rules may really work to what is intended.

8. That it is a great advantage that every facility should be afforded for the sinking of wells there can be no doubt, provided the rules on the subject are such as to secure the owners of them the fullest possible advantages from their use and thereby to stimulate them to make the greatest possible use of them, without any injustice to them or to the State; but while one simple rule will easily govern the case in respect of “dry” lands, it becomes a much more difficult matter when wells are to be sunk in land subject to a consolidated wet assessment. If this system of consolidated assessment was abolished and a water-rate everywhere levied in respect of lands supplied with Government water, the matter might possibly be put on a satisfactory footing without much difficulty; but a great loss of revenue would almost certainly follow, for the ryots could not be compelled to take Government water in preference to that of their own wells, and the working of the rules would throw great responsibility on village officers and leave open many opportunities for fraud. Moreover, the Board do not know whether Government are prepared to face this question, and under existing circumstances do not feel at liberty to discuss the matter further. They fear, however, that the rules as drafted by Government will not prove as beneficial as the Government wish.

9. The Board also consider that the difference of treatment proposed by the second of the Government rules for second crop on single-crop land and on registered double-crop land is essentially unsound in principle. In the case stated in the preamble to the rule, the two kinds of land are on precisely the same footing; the tank or other

source of supply has not a drop of water and can give nothing for a second crop to either the one kind of land or the other. It has been accepted as a principle of account that all second-crop charges are essentially water-rates, that is, a charge made for water supplied; but when, according to the hypothesis, there is no water to supply, the reason for the charge disappears. In the case stated by Government, then, in Rule 2, there should, the Board consider, be no charge for a second-crop raised on registered double-crop land, any more than for a second crop raised on single-crop land. The mere fact of registry in the double-crop category does not, in the circumstances stated, make the case of double-crop lands one whit better than that of their neighbour single-crop lands under the same source of supply. Moreover, it seems simply because a tank may ~~return~~ supply of water, however small. Equity would at least demand the possibility of the water reaching the land. The difficulty may be avoided, if not entirely got over, however, by adopting for all registered double-crop lands, the principle that whenever there are wells in such lands, the second-crop charge shall be invariably compounded for. The essence of composition is payment of the compounded assessment in all cases but that of absolute failure of the supply for both crops; failure for the second crop only is no ground for remission.

10. Having said this, as they feel it their duty to do, the Board will only add that they consider that the wording of Rule 2, if the Government decline to modify its principles, should be altered as follows:—

Rule 2.—When crops are raised on lands assessed as "wet" entirely by means of irrigation from private wells, they shall only be charged as follows:—

(a) On single-crop lands; for the first crop, the classified dry rate in settled districts. In unsettled districts the highest dry rate in the village. If a second crop is raised by the same means on such land, then no charge at all shall be made in respect of it.

(b) On registered double-crop land; for the first crop, the classified dry rate in settled districts and in unsettled districts the highest dry rate of the village, and for the second crop, half such dry rates. Provided, that if the tank or other work to the ayacut of which the land belongs receives any supply whatever of water during the cultivation of the first or second crop, the crop then growing, or raised in that season immediately subsequent to the receipt of such supply, shall be held to have been raised by means of such water.

Example.—A tank under which there is double-crop land receives a supply of water while the first crop is being cultivated by well irrigation, but none while the second is being raised. The assessment will be the full single-crop wet assessment for the first crop, plus half the classified dry rate or highest dry rate of the village for the second, according as the village is settled or not. If the case is reversed, the assessment for the first crop will be the dry rate as above, and for the second crop half the single crop wet assessment.*

* Two-thirds of the full double-crop assessment does not always represent the single crop charge.

(c) On land where the second-crop charge is compounded for, single dry rate only will be charged. Provided, that if any water is received during the year by the Government work under which the said land is situated, the full compounded rate will be charged.

(A true Copy and Extract.)

Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Director of Revenue Settlement and Agriculture.

" to M.R.Ry. P. Chentsal Rao Partulu Garu.

Exd. W. J. Lewis.

2
in second crop charge is half the dry rate, then for inclusion with assessment, then in their own right, claim it!
Registered double crop
Fast Kamini.

This is the same as the first rule.

REVENUE DEPARTMENT.

1884.

Board of Revenue,
MADRAS.

Printed July th.

Proceedings, 17th July 1884, No. 2450.

Dec 5 1884

Passing remarks on Government Order prescribing revised rules with respect to the charge of water-rate on irrigation from private wells to be introduced experimentally from the present fasli for three years.

Note

15

Maddur

9/8/84

My dear Sir,

The Bd have kindly sent
you a copy of their Pro. on the
subject of wells. They are
indeed hypercritical. They
say that the rules proposed here
just amounts to a declaration
that even a drop supply of water
is equivalent to a full supply
for a whole crop - I think that
the Govt. mean that wast-lands
cultivated under wells should
be treated in the same way
as lands left waste, with the
difference that instead of
hampering the whole crop, only
the difference between water

dry assessment
should be remitted. When
a land is left waste, the
first thing to decide has to
be whether it was left waste
for want of water, or in spite
of the existence of water. If
the former, the assessment
is remitted, or if the latter
it is charged. The same
should be the case when
a part of land is cultivated
under a well. If it was
cultivated under a well
because there was no water
in the tank, then dry ass.
should be charged - but if it was
cultivated under a well

Notwithstanding the
presence of water in the
tank, then full wet-ass.
should be charged. As
to the fact whether there was
sufficient water or not, it
is no more difficult to
ascertain in the case of
lands cultivated under wells
than it is in the case of
lands left waste. If there
water means; water ordinary
enough for a crop -

The Bd also remark that
the effect of the rule proposed
by Govt will be that a
tyot who digs a well

loses the right of claiming
remission of the leaves his
land waste when there is even
a days supply in the Tank.
His inference seems to me
to be gratuitous. But
I agree with Mr. B.D. that much
concession will be removed
if in the case of wet-lands
in which wells are dug, the
assessment for both the crops
is compounded somewhat on
the principle mentioned in my
former memo. I also think
that in all the settled Districts
the whole consolidated assess-
ment should be collected when the
one crop is raised, because
when the ass^t was consolidated
for both the crops, the probability

2
of failure of water for
a ~~second~~ second crop in
some years was duly taken
into account, and the rates
also were favorable. — This
I do seem to be right when
they say that there is no
reason for charging more
than a single dry assess^t
when double crop land is
cultivated under a well or
two crops raised. — When
there is no water ^{in the Tank} we treat
the land as dry, and
as such we cannot charge
more than one crop.

7
Note

5 64

I have ventured to
make these remarks
as I take some interest
in the question, and I feel
sure that you will excuse
me if I have exceeded
my limits in addressing
you on the subject.

Yours very truly
Melancthon

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Note

C. No 542.

Board's Proc: 17 July 1884 No 2450.

The Board submit much on the rules framed by Govt in regard to Ayakat wells.

Wells in wet land, & within the prescribed limit of distance from irrigation works & channels.

Gov. 17 May 1884 No 652.

They have not issued the rules as desired; but but suggest certain alterations, and apparently advocate, though they do not clearly say so, the abandonment of the principle that there shall be no encroachment as to partial supply of Govt. water, and desire that permission of water charge shall be given whenever the supply of water is insufficient.

2: In rule 1, relating to exemption of dry land irrigated by private wells, the Board

in order to prevent encroach-
ment on Govt waste or on
channel or tank oramboke
dugget ~~and~~ the words "pro-
vided that such wells are
situated on land which is
private property." ^{Unless on}
^{in the strict sense}
such land, they are ~~not~~ private
wells to which alone the rules
and apply; and there are
many wells now existing in
waste to which it would be
hard to refuse the restriction.
The Board's wording
would ~~include~~ ^{exclude} them as well
as future wells. There are
much stronger decisions, e.g.
the change of prohibitory as-
sessment, against encroach-
ments such as the Board
bear; but there is no harm

in the proposed addition, pro-
vided the words "and are
constructed ~~and~~ prior to the
issue of these rules" are added.
3. In rule 2. The Board propose
to define what "dry rate" means.
~~The~~ definition they propose is that
which is already the rule when
dry crops are grown on wet
land; & ~~that~~ ^{no one would}
have any difficulty in under-
standing what is meant by
'dry rate.' However there is
no harm in the addition
proposed.

The Board then seem to
argue against the proposed
limitation of the rule to the
case where the supply entirely
fails. The Govt deliberately
accepted this limitation as

a matter of practical necessity, and on the recommendation of Chaitral Rao and Wilson. The limitation was no doubt sound. It may, I no doubt do, considerably restrict the scope of the rules; but ~~it is~~ ^{certainly} it is easier to decide in practice whether a tank has had no supply than whether it has had a sufficient supply; and to abolish the limitation would lead to immense sacrifice of revenue. Before going further, they should wait till the effect of the present concession. The Board say that the ryot, even though he has a well, will prefer to let his crop fail rather than try to get remission. Experience is dead against this. Vast numbers of wells

have been dug, and ryots who possess them utilize them to the utmost. It is vital to a ryot to get a crop. He usually shows no reluctance to secure one. The last ~~part~~ ^{part} of paragraph b is not clear, but seems to indicate that the Board think that lands under wells are to be denied remission if the tank gets any supply. This is not so at all. The present rules are intended to supplement, not to supersede, the remission rules. If a ryot fails to mature his crop, even with the well, he will be entitled to share (with his crop) remission provided ^{the} supply is short. If he matures it, he will pay well assessment (as he now does in any case) only when there is some supply; but will get remission if there

of a well as registered double
crop land. They say that
it has been recognized that
second crop charge is purely
water rate. But this assertion
may be at once denied. The
second crop charge is half
the single crop consolidated
assessment, which is made
up of charge for land as well
as water. In the last part
of the para, the Board seem
to be arguing again against
the limitation of the assessment
to total failure of supply. If
they don't mean this, it is
impossible to say what they
mean.

6. In para 10. the Board
propose a revised rule 2.
Except for the explanation
of the word "dry rate" its

has been run. To further
position ^{will be} better, ^{as} respect
worse, under the new rules
than at present. But to
avoid misapprehension, ^{however}
posterior, I suggest that
a declaration be added that
there is no intention to prejudice
a right claim to have
remission.

4. In para 8, the Board pro-
pose that to get over difficul-
ties, the rate should abandon
consolidated wet assessment
I revert to separate water
rates. It seems hardly necessary
to note, & quite unnecessary
to discuss this suggestion.

5. In para 9, the Board seem
to object to the charge of
any land assessment when
second
a crop is raised by means

effort is precisely the same
as that of the Cook rule; it
is simply more dilute, and
is less clear. I submit that
the original rule should be retained,
the declaration that these rules
are not to be held to prejudice
claims to have jurisdiction
being added.

SE

Lawrence 199

C. 954 of 2008-84.
C. No 512.

The Govt accept the Board's
suggested amendment to rule
1, with understanding that
it is to be limited to wells
 dug hereafter. As drawn by
the Board, it excludes from
the exemption private wells
 heretofore constructed on water which
 are numerous.

2. With reference to the Board's
remarks on rule 2, the Govt
admits that the definition pro-
posed by the Board of the
expression "dry rate" is un-
satisfactory understood & prescribed
for like cases; but there is no
objection to its being embodied
in the rules.

3. The restriction of the operation
of this rule to cases where the

Tank receives no supply
 whatever, was deliberately
 adopted as a matter of prac-
 tical necessity, and in accordance
 with the suggestions of Mr.
 Chas. A. Dow. If the tank receives
 any water at all it is impossible
 to say whether it has or has
 not been used for the irrigation
 of the land under a well, and
 the nearer the supply received
 approaches sufficiency the
 more difficult it is to decide
 whether the land should be
 exempted from water charge or
 not. As the Govt. are fully
 aware that the ^{limitation} ~~rule~~ laid
 down will considerably restrict
 the scope of the rules; but to
 abolish it, and apply the
 rules in all cases when the

tank supply is not certainly
 sufficient - as the Board
 apparently desire - would
 lead to enormous sacrifice
 revenue. Even as it stands
 however the rule ^{makes} a consid-
 erable concession; and the Govt.
 do not share the Board's ab-
 surdness that ryots will
 not use their wells in view
 of getting remission. Experience
 shows that ryots will dig wells
 even when certain ^(as now) of being
 charged with rates if they
 save the crop; much more

if the rule as drawn by them, to that in
 the Board's paragraph in the last
 paragraph of the proceedings. The wording
 is entirely by means of irrigation from
 private wells. It leaves room for the
 grant of remission when the tank
 may have received a supply but
 since the holder ^{of well land} ~~is not~~ ^{is not} that he
 never used the water.

will they do so, when they can
 under certain circumstances both
 save the crop & escape the water
 rates. The Govt. prefer the wording
 of It was never intended however
 that the existence of a well

not land should affect in
any way the claims of the holders
of such land to remission under
the ordinary rules. In circumstances
~~where the land is the same~~
~~work done within the remission~~
rules, when under the rules remission
can be given ^{in the case of} other lands under
the same work, ^{it should be allowed for} which have been
waste, or ⁱⁿ which, though cultivated,
the crops have withered. An express
statement to this effect ^{will} should be
added to the rule.

5. In para 9 of the Board's
proceedings, they apparently
object to any change being made
at all ^{second} for crops grown under
wells in registered double crops
land. They observe observing
that the two thirds of the full
double crop argument does

not always operate this single
crop change, they substitute for
the two thirds rate, the "full single
crop argument". In the first
crop, but retain for the second
crop half the single crop wet
argument. The proportion of
two to one is certainly not
universal if not absolutely universal,
for first & second crop in registered
double crop land, not improved,
for, and the second crop ^{portion} ~~change~~
includes half the change for
land as well as half the
change for water. For this reason

the Board's contention that
the second crop change is ^{entirely}
essentially water rate cannot
stand; and

the Govt retained half dry
rate for second crop under
wells in registered double crop
lands. The case is not of any
importance as there are hardly
any wells in registered double
crop lands, the supply of

which is usually fully
assured; and the ~~fact~~ on
the Board's speculation
will abandon this half

dry rate charge. They fully approve the principle of com-
position which is being

6. The rules as now amended
will be issued as follows: —

Rule I. No water rate shall
be charged on dry lands irri-
gated solely from private wells,
situated on land which is
private property, or constructed
prior to the issue of these rules,
within whatever distance the
wells may be ~~from~~ from any
public
irrigation source.

In wet land, provided
Rule II. ~~Crops raised under~~
the tank or other ^{irrigation} source
~~irrigation from private wells~~
receives no supply whatever
during the period the crops
^{Crops raised under private wells}
is on the ground, shall be
charged: —

position which is being
carried out in settlement
in progress; but while
registered double crop lands,
entitled to remission when
supply is available for only
one crop, exist, the case
of their containing wells
must be provided for.

(a) In single crop ^{or registered double crop} land, for
the first crop, dry rate; for
the second crop, nothing.

(b) ~~In registered double crop~~
~~land, for the first crop~~
Note. In registered double crop
land, if supply is received
during the first crop but none
during the second, the charge
will be the single crop wet
assessment, if such is sep-
arately assessed, if not two
thirds of the total double crop
wet assessment. If supply
is received during the second
crop, but not during the first,
the charge will be dry rate, ~~plus~~
the second crop wet assessment
if such is separately assessed;
if not one third of the total
double crop wet assessment.

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

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

the year. Explanation. Dry rate means in settled districts, the dry rate
Rule III. Nothing in the foregoing fixed for the said class
of soil, & groups;
in unsettled districts, the
highest dry rate of the
village.

rule shall be held to prejudice
the claims of holders of wet
lands containing or irrigable
private
from wells, to emission under
the ordinary rules for waste
or withheld crop.

Print.
in spirit
20/8

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1. 18th Board of Revenue
2. 21st Dec 1882
3. 25th Dec 1882
4. 26th Dec 1882
5. 1st Jan 1883
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Original

Govt. of 1884 Madras.

REVENUE.

Issued

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Encl.

G.O., 20th August 1884, No. 954.

AUGUST.

Private Wells.

Modifying the revised rules prescribed with
respect to the charge to be made for irrigation
from —.

