M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 274 Press ~~Mis.~~

35-36

Dated 5-2-1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 5th February 1861.

No. 35. Read the following Proceedings of the Board of Revenue, dated 17th January 1861, No. 311 :—

Read the following Proceedings of Government, dated 28th July and 17th November 1860, Revenue Department, Nos. 1,263 and 2,170.

(In Cons. 30th July and 19th November 1860, Nos. 3,697 and 5,990.)

1. Ordered that the above Proceedings of Government, together with copy of the paragraphs of the Despatch from the Home Government to which they refer, and of Sir H. Montgomery's Minute therein mentioned, be forwarded to the Collector of Tanjore for full report.

2. The present position of the question may with advantage be briefly noticed here.

Dated 28th February, in Cons. 6th April 1854, *No.* 537.

3. In February 1854, Major Lawford, then Civil Engineer of the 6th Division which included Tanjore, submitted for the opinion of the Board the question of the liability of Inámdárs to pay for water supplied to them by Government irrigation works. He forwarded copies of correspondence with the Collectors of South Arcot, Trichinopoly and Tanjore on the subject, from which it appeared that in the opinion of Mr. Forbes, then Collector of Tanjore, "no *Kusser* or water cess was "leviable in that District on Sarva Mányam or Srotriyam lands originally Punja, if irrigated "from works constructed at Government expense; the Sicca Sanads on which such lands are "held expressly exempting them from any such extra tax."

Collector's letter to Chief Engineer, dated 7th May 1853.

Collector to Board, D. P. W., dated 29th April, in Cons. 1st June 1854, *No.* 1,117.

4. In reply to the Board's request Mr. Forbes forwarded to them an Extract of a passage which he had found in sixty Sanads out of one hundred which he had recently examined, and which he stated had always been held in that Province to imply that the land was given free not only of all present, but of all future charge for rent. He further stated that no Inám land had ever been assessed with a water tax.

5. A translation* of this Extract is given in the margin, and a comparison of it with the translations of documents appended to Mr. Ellis's Mirás papers will show that it expresses no more than the usual conditions of grants in this part of India. The Board accordingly expressed their opinion that the Sanads conveyed no such right to the use of water supplied at the expense of the State as was claimed for their holders, and that the Sarva Mányamdárs of Tanjore must be assessed for water supplied by Government if they chose to make use of it.

* *Be it granted with the water, trees, stone, hidden treasure, that which does not decay, with the present, past, and future acquisitions including all Samudayem, to be enjoyed by you, your sons, grandsons, and so on hereditarily with the benefits of all your improvements. No fresh document need be expected from me every year. Copy to be taken and the original to be given to the Brahmins in question.*

Board's Proceedings, 1*st June* 1854, *No.* 434, *D. P. W.*

6. Subsequently the subject was brought under the consideration of Government with the Collector's report on Government Petition No. 143 of 1855, and in their Proceedings, dated 1st May 1855, No 517, Revenue Department, Government expressed their concurrence in the Board's opinion on the general question and on the effect of the passage quoted from the Sanad, but desired that the Collector might be called on for further information on the special

Dated 5th March, in Cons. 2nd April 1855, *No.* 660.
Board's Proceedings, 2nd April 1855.
In Cons. 10th May 1855, *No.* 1,154.

circumstances of the cases concerned, and on the condition of the lands when the grants were made, viz., whether they were really Punja land, not receiving nor entitled to Cirkar irrigation. Mr. Forbes replied that there was no evidence beyond the Sanads themselves, in which the land was always described as Nanja or Punja, and in their Proceedings dated 15th January 1856, No. 55, Revenue Department, Government reiterated their opinion as to the propriety of charging a water cess on Punja Inám lands watered from Government works, and desired the Board in communication with the Collector to consider and report on the proper rate to be assessed.

From Collector, 3rd, in Cons. 30th November 1855, *No.* 3,201.
In Cons. 5th February 1856, *No.* 225.

7. Eventually after further correspondence the water cess was fixed at Rupees 12½ per Veli, or Rupees 2½ per Káni, for bothCirkar and Inám land, to be of prospective application to lands which were Punja when the Inám wasgranted.

E. M. C., No. 268, *Revenue Department, paragraph* 9, *dated* 1*st, in Cons.* 17*th March* 1858, *No.* 976.

8. This decision has disposed of the second of the questions raised by the Secretary of State, viz., as to the mode in which the water charge should be levied, and is in accordance with the principle recommended for adoption in Lord Stanley's Despatch to which attention is re-called, viz., that the charge should be altogether distinct from the assessment on the land.

Dated 15*th December* 1858, *No.* 5, *paragraph* 8.

9. There remains the first question, whether the principle that all persons are liable to a charge for the use of water taken from Government works, is applicable to the Sarva Mányamdárs of Tanjore, on which point Sir H. Montgomery observed that the construction which had for 50 years been put by the District Officers on the Sanads under which the Sarva Mányams are held, was that they were intended to exempt the holder from every kind of interference on the part of the Officers of Government; that land converted from dry to wet solely by the exertion of the owners, by more careful distribution of the ordinary supply of water, would be equally chargeable under the proposed rule with lands converted into Nanja solely by improvements in the general irrigation; that in some instances the Inámdárs have contributed their share of the expenditure that has been made on the works by which they benefit; that in others Government have merely restored works which had formerly supplied the same lands with water, but from neglect by the State had fallen to ruin; and he considered that exemption from the operation of the proposed rule should be allowed as a matter of right to all Sarva Mányamdárs "who have "either already contributed their *quota* of the outlay, or who by their own labor have increased "the value of their property, or the irrigation works of whose lands have been merely "restored to their original efficiency."

10. In their Proceedings of 30th November 1855, paragraph 5, the Board expressed their concurrence so far with the Collector that retrospective effect should not be given to the rule charging a water cess on Inám Punja land converted into Nanja by claiming payment for water used in past years, but they stated that they would make the rule applicable in future to all Sarva Mányams which are shown by the Sanads or Registers to consist of Punja land, when water is taken for them from a public work, either newly or otherwise; and in their Proceedings of 15th January 1856, already cited, the Government expressed their entire concurrence in these views of the Board, and directed the levy of a water rate on such lands as were not irrigated when first granted as Inám.

In Cons. 5th February 1856, *No.* 225.

11. It remains to be ascertained whether in practice this rule has been applied either to lands which, on the grounds stated by Sir H. Montgomery, he holds should be exempt, or under the more limited application of his arguments made by the Secretary of State, to the cases where the Government works have merely restored to the Inám lands the supply formerly enjoyed from

Proceedings of the Madras Government, Revenue Department,
5th February 1861.

works of old date, for the restoration of which these very Sarva Mányamdárs had been called upon to contribute.

12. The Board request that the Collector will inform them how far these arguments for exemption are shown by evidence to apply to the Ináms which would otherwise be liable to the charge for water under the rule laid down by Government, and whether any such have been yet charged under it.

(A true Extract.)
(Signed) W. HUDLESTON, *Sub-Secretary.*

No. 36.

ORDER THEREON, 5th February 1861, No. 274.

Ordered to be recorded.

(Signed) J. D. BOURDILLON,
Secretary to Government.

For 1st May 1855 No. 66. 67
" 15th January 1856 " 38 & 40
" 9th October 1858 " 35
To 8. 5th May " " 5
For 2nd March " " 56-57
" 28th July 1860 " 359
" 17th " Nov " " 306-307

Copy on a Letter to England
d/ 17th April No. 23 of 1862

Pro. of the B. of Rev. 4
30 January 62 & No. 310. in

16-7-64
30-8-66.

No 35 & 36

10 Jany/862

Rev. 1861 Depatt. February
Pro. of Govt for No. 208

Proceedings of the
Board of Revenue

Dated 17th
Desp. 23d } January 1861
Rec'd 24th

No. 311.

Submitting for information Copy of the Board's Proceedings forwarding to the Coll.r of Tanjore for full report the Government Proceedings with copy of the Despatch from the Home Govt. and of Sir H. Montgomery's Minute therein mentioned, on the question of the liability of Inamdars to pay for water supplied to them by Govt. Irrigation works.

W. L. 2/4

Recorded
5 Febr. 1861