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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1191 Press ~~Mis.~~

114-115.

Dated 8. 8. 1870 ~~19~~.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 8th August 1870.

No. 114. Read the following Proceedings of the Board of Revenue, dated 22nd April 1870, No. 2,653;—

Read the following letter from the Collector of Cuddapah, to the Acting Secretary to the Board of Revenue, dated 23rd November 1869, No. 192.

I HAVE the honour to draw the attention of the Board to the following circumstances, and to request their early instructions:—

2. In paragraph 4 of their Proceedings, Revenue Department, dated 29th June last, No. 1,836, the Government held that the orders requiring the reduction of the assessment on old well-lands could not be held to apply to Dasabundum wells, because those orders were strictly limited to such wells as were not constructed or maintained by the State, and, inasmuch as the Dasabundum wells had for years been maintained by an alienation of Government revenue in the shape of the Dasabundum Inams, they could not be included in that category.

3. There are a number of wells, formerly Dasabundum, which, together with the Inams allowed to the Dasabundumdars for their up-keep, have been from time to time resumed by Government, owing to the Dasabundumdars having failed to repair them, and having allowed them to lapse into ruin, and which, since such resumption, have not been restored to working order by the Government.

4. The lands under them have consequently been lying waste. Now, under the impression that these old well-lands are to share in the general revision of assessment recently ordered, smart competition has arisen for them, the original Dasabundumdars trying to make out that they have preferential claims to those of the other ryots, and a reference has been made to me by the Acting Sub-Collector, who seems to be of opinion that "the fairest plan will be to allow the Dasabundumdars the option of holding on puttah so much of the land under the well as is proportionate to the Inam formerly held by them for its repair."

5. Were it taken for granted that resumed Dasabundum well-lands were embraced by the recent Order, and were the above consequently the only point for decision, I should feel no hesitation in instructing Mr. Storr that in forcing the Government to resume the wells and their Inams by failing to fulfil the condition whereon they held them, the Dasabundum Inamdars had forfeited everything in the shape of a present *preferential* claim to those of other ryots.

6. But the main point—whether under the terms of the Government Order these resumed Dasabundum well-lands are or are not excluded from the benefits of the general revision—must be first determined.

7. Until they were resumed no doubt they were maintained for a long time by an alienation of Government revenue, and no doubt it may be held that their subsequent resumption is insufficient to remove from them the disqualification that has been imposed upon all unresumed Dasabundum well-lands.

8. As Government have held that mere maintenance of this nature is a sufficient disqualification, it is perhaps useless to observe that the weight of evidence goes to prove that the wells were certainly not *constructed* originally by Government but by private individuals, especially as the "Orders" to which the Government alluded are not at my disposal for reference.

9. I append an interesting extract from a letter addressed by Major Thomas Munro to the Board of Revenue on the 23rd June 1801 on the subject of Dasabundum *tanks* in what he terms "the three districts of Goorumcondah," which I take to be the present sub-division; may be "wells" are intended to be included in the term "tanks." Any how, the remarks are probably equally applicable to the Dasabundum wells in that part of the country, and it will be observed that the tradition 70 years ago was that 200 years before that the Inams were given to encourage, not the maintenance of Government works, but the construction of new works by private persons.

10. If the lands now lying waste under resumed ruined Dasabundum wells are to be subjected to the same disqualification as those under the unresumed wells have been, they will simply remain unproductive and profitless. On the other hand, if all resumed well-lands are held by reason of such resumption to be excepted from the disqualification, I beg to bring to notice that such exception would furnish an obvious incentive to the Inamdars of unresumed wells to rid them of their disqualification, by letting them get into ruins as quickly as possible, and so force the Government to resume them, and thus entitle the lands under them to share in this liberal measure of reduction of assessment.

ENCLOSURE No. 1.

Extract from letter of Major Thomas Munro, Collector, to Board of Revenue, dated 23rd June 1801.

IN the above letter the Collector raises the question whether the restriction placed by G. O., dated 29th June 1869, No. 1,836, in respect to the reduction of assessment on old well-lands is intended to affect lands under Dasabundum wells which have been resumed from time to time for default of the Dasabundumdars to keep them in repair. The wells are stated to be still in ruin, and the lands under them waste.

2. A further question is incidentally raised, viz., whether the quondam-holders of the Dasabundum wells possess a preferential right to the re-occupancy of the lands under the wells on the reduced assessment. The prospect of the reduction of assessment is said to have made the lands an object of keen competition.

3. Whatever may have been the real origin or the proprietorship of these resumed wells, both the wells and the lands under them are now, as a matter of fact, the property of Government, and at their undoubted disposal. It is therefore for the Government to determine who shall have, firstly, the wells; secondly, the resumed Dasabundum Inam lands; and, thirdly, the Ain land formerly cultivated under the wells. The Dasabundumdars or their representatives have certainly a preferential right to re-occupy their forfeited Inam lands on the new assessment. Similarly, the holders or their heirs of the Ain land under the wells have a right of refusal in regard to them. The wells should be offered to both or to either of them, and, if refused, might be sold at auction.

4. As regards the first and the more important question mooted by the Collector, the Board have no hesitation in affirming that the present reduction of assessment should be extended to the lands under the wells in question, if for no other reason, because it will ensure the cultivation of lands now lying waste.

5. The Board do not quite share in Mr. Agnew's apprehension that this concession in favour of lands under *resumed* wells will lead to the immediate or rapid abandonment of *unresumed* wells, with a view to participate in the present reduction of assessment.

No. 115. ORDER THEREON, 8th August 1870, No. 1,191.

Land Revenue.

THE question now raised by the Collector as is observed by the Board embraces, firstly, the resumed Inam lands formerly enjoyed by the Dasabundumdars; secondly, the assessed land under the wells; and, thirdly, the wells themselves.

2. In regard to the Inams the Government do not consider that the principle, in furtherance of which the present inquiry was instituted, viz., that private outlay on works of irrigation should not be turned to account by Government for purposes of revenue, is in any degree concerned. These Inams were granted in consideration of the performance of a certain duty which was not performed, and they were in consequence resumed. If, however, by the term "resumption" the Collector means to imply that the Inamdars were really ejected from their lands, the Government consider that they should have a preferential claim to such lands (if now unoccupied) on dry assessment, provided they were irrigated from the wells; but if he merely intends to imply that the lands in question were subjected to full assessment, they should be dealt with in the same manner as the other lands in the same locality referred to in the next paragraph.

3. In raising the question whether the title to the remaining lands dependant on the wells vests in Government, or in the present or former holders, Mr. VansAgnew mentions that "the weight of evidence goes to prove that the wells "were certainly not constructed by Government but by private individuals," and in support of this view of the case, he forwards a letter addressed by the late Sir Thomas (then Major) Munro to the Board of Revenue, in which the former refers to the grant of certain Inams for the construction of tanks in the Cuddapah District. If this letter be applicable to the case in point, it does not tend to show the strength of the Collector's argument, for the tanks were constructed at the cost to Government of an alienation of revenue, which was as valid a consideration as a direct outlay of capital. The constructors of the wells and their heirs or assignees continued to enjoy remuneration for a very long term of years, and this remuneration only ceased when they broke the original engagement. Under these circumstances the lands irrigated by the wells in question are not entitled to immunity from wet rates, and the ownership of the wells vests in Government. As, however, the Collector reports that the lands are lying waste owing to the heavy assessment at present imposed on them, the best course will be to re-assess them at dry rates. They should then be dealt with according to the "rules to be observed when applications are made for assessed land."

Proceedings of the Madras Government, Revenue Department,
8th August 1870.

4. The wells should be sold by auction, and the purchasers of the wells can then make their own terms with the holders of the lands. The latter will of course be at liberty to dig new wells if they are so disposed.

(True Extract.)

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

To the Board of Revenue.

Exd. F. R. Bantleman.

Memo for orders on P. 1329

Govt. of 1870 Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated August, 8th. Read.

Recd.

G. O., 8th August 1870, No. 1,191.

AUGUST.
Nos. 114-115.

Assessment on old well-lands in Cuddapah.—Board's Proceedings regarding the resumed Inam lands formerly enjoyed by the Dasabundamdars, the assessed land under the wells and the wells themselves, with orders thereon.

were exceptional, they should be reduced. The Govt were chiefly led to this conclusion by the consideration, that in several parts of the country there are channels and tanks for the maintenance of which Dasabandam Grains have been granted, and that if the lands under Dasabandam wells were treated as dry, the holders of land under these works would be equally entitled to this concession.

2. The Board's present reference relates to the disposal of lands under old sanctioned Dasabandam wells, the Grants for which have been resumed owing to the wells not having been properly maintained. A fresh report states that there is now keen competition for these lands, under the impression that the assessment will be reduced to dry rates, but he points out that if it be so reduced, there will be a direct inducement to the Dasabandamdars of the existing wells to allow them also to fall into disrepair and so ensure the resumption of the Grants & the assessment of the lands under the wells at dry instead of at the existing wet rates.

3. The Ag. Collr Nellore, assuming that the lands under reference are to be assessed at dry rates, is of opinion that the old holders of the Dasabandam

be now uncertain. Mid. Otherwise I could not be able to say. The lands should be resumed on dry & the wells kept better than old by another. The purchaser of the wells can make his own terms with the ryot to get water from it.

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Dusabraudaw Inams or their descendants, should have a preferential right to the occupation of the lands at the new rates but Mr Agnew thinks that those persons by failing to repair the wells & forcing the Govt to resume these Inams, have forfeited all preferential claim to the land.

4. The Board of Revenue, while observing that the wells and the lands under them "are the property of Govt and at their undoubted disposal" recommend that so much of the land in question as formed the Dusabraudaw Inam be offered to the Dusabraudaws or their descendants at the new rates of assessment, the remainder of the land being offered on the same terms to the former holders or their representatives. The Board are decided in opinion that this new assessment should be at the dry rates, and do not

share in Mr Agnew's apprehension that this concession to the lands under resumed wells will lead to the immediate abandonment of the unresumed wells, in view of obtaining a similar concession for the lands under them.

5. Mr Agnew incidentally mentions that there is no question that the resumed wells were originally constructed by private capital, and he forwards an extract from a letter from the late Sir Thomas Munro, as giving conclusive evidence of the correctness of this view.

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6. It is submitted that if the policy adopted in dealing with the existing Dasabundam wells is to be maintained the proper mode of treating the resumed wells will be to assess the lands under them at dry rates, and then to sell the wells by auction with the right of occupation in the lands. The extract from Sir Thos. Munro's letter shows clearly that though it was stated by Mr. Agnew that these Dasabundam Inams were not originally granted for the maintenance of Govt works, a very considerable alienation of revenue was made for a series of years in order to induce their construction, so that they were in point of fact constructed and maintained not by private capital but at the cost of the State. The wells under notice were

were probably so con-
-structed and main-
-tained, and any value
that they may now pos-
-sess as works of irriga-
-tion belongs to Gov^t and
the only mode of recover-
-ing that value is their
sale by auction — the
purchasers will then
have it in their power
thoroughly to restore the
wells, and they will
become bona-fide works
constructed and maintained
by

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by private capital.
The holders will also
be fairly entitled to
hold the lands under
them at dry rates.

Revenue Department.

No. 1191.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 8th August 1870.

Read the following. Proceedings of the Board of Revenue

Expressing opinion that sanctioned reduction of assessment on old well lands in Cuddapah ~~it~~ should be extended to lands under Vasabundums wells which have been resumed for default of Vasabundandars to keep them in repair & that Vasabundandars or their representatives have a preferential right to occupy these Inams on revised assessments

(R.C. 22nd April 1870 No 2,653)

The question now raised by the Collector as is observed by the Board, embraces firstly, the resumed Inams formerly enjoyed by the Vasabundandars, secondly, the land under the wells & thirdly, the wells themselves.

2 In regard to the Inams, the Govt do not consider that the principle in furtherance of which the present enquiry was instituted - viz that private outlay on works of irrigation should not be turned to account by Govt for purposes of revenue is in any degree concerned - These Inams were granted in consideration of the performance of a certain duty which was not performed & they were in consequence resumed. If however by the term "resumption" the Collector means to imply that the Inamdars were really ejected from their lands, the Govt consider that they should have a preferential claim to such lands (now unoccupied) on dry assessment provided they were irrigated from the wells, but if he merely intends to imply that the lands in question were subjected to full assessment & should be dealt with in the same manner as the other lands in the same locality referred to in the next para.

3 In raising the question whether the title to the remaining lands dependant on the wells vests in Govt or in the present or former holders, Mr Vans Agnew mentions that "the weight of evidence goes to prove that the wells were certainly not constructed by Govt but "by private individuals," & in support of this view of the case, he forwards a letter addressed by (Thomas Munro) Thomas Munro to the Bd of Rev in which the former refers to the grant of certain Inams for the construction of tanks in the Cuddapah District. If this letter be applicable to

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assessment at present imposed on them, the best course will be to reassess them at dry rates. They should then be dealt with according to the "rules to be observed when applications are made for assessed land."

4 The wells should be sold by auction, & the purchasers of the wells can then make their own terms with the purchasers of the Lands ~~wells~~. The latter will of course be at liberty to dig new wells if they are so disposed.

H.W.

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Sd/ H. Wall

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