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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. / B.P. No.	1329	Press / Mis.

Dated 16-10-1874 196 .

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
16th October 1874.

No. 172. Read the following Proceedings of the Board of Revenue, dated 16th September 1874, No. 2,643 :—

Read again Board's Proceedings, dated 26th May 1871, No. 2,160.

Read also the following letters :—

From the	Collector of	Ganjam,	dated 15th June	1871, No.	731.
,,	,,	of Vizagapatam,	,, 12th July	,, ,,	667.
,,	,,	of Godavery,	,, 18th do.	,, ,,	248.
,,	,,	of Kistna,	,, 24th June	,, ,,	1,819.
,,	,,	of Nellore,	,, 20th October	,, ,,	2,083.
,,	,,	of Bellary,	,, 9th August	,, ,,	307.
,,	,,	of Cuddapah,	,, 24th February	1872, ,,	35.
,,	,,	of Kurnool,	,, 14th June	1871, ,,	202.
,,	,,	of Madras,	,, 30th April	1872, ,,	63.
,,	,,	of Chingleput,	,, 19th July	1871, ,,	327.
,,	,,	of North Arcot,	,, 31st do.	1874, ,,	410.
,,	,,	of South Arcot,	,, 25th August	1871, ,,	283.
,,	,,	of Tanjore,	,, 8th December	,, ,,	386.
,,	,,	of Trichinopoly,	,, 16th June	,, ,,	173.
,,	,,	of Madura,	,, 12th September	,, ,,	271.
,,	,,	of Tinnevelly,	,, 20th June	,, ,,	264.
,,	,,	of Coimbatore,	,, 1st February	1872, ,,	14.
,,	Commissioner	of Nilgiris,	,, 12th June	1871, ,,	68.
,,	Collector	of Salem,	,, 4th December	,, ,,	3,574.
,,	,,	of South Canara,	,, 24th July	,, ,,	1,038.
,,	,,	of Malabar,	,, 13th do.	,, ,,	167.

SUBMITTED to Government, with reference to G. O., 1st May 1871, No. 765.

2. It has been decided by Government that Inamdars holding *wet* Inams supplied by tanks or other works which also irrigate ryotwary land, cannot be called on to contribute towards the repair of the source of irrigation. Government have no concern with sources of irrigation which supply only Inam lands. There remain the cases in which the source requiring repair is chiefly useful in supplying one or more Inam villages but also supplies Government land, and the case in which an anicut or other new work is projected to supply Ryotwary and Inam lands. These are no doubt the cases in which Government assumed that it may be decided that the Inamdar shall contribute a lump sum towards repairs.

3. The Board, having been asked for their opinion as to how such a lump sum should be realized, called upon all Collectors to report on that subject, stating the practice in their districts.

4. From the replies it appears that contributions have often been exacted in the case in which Government have decided that they are inadmissible, and that in many districts they have been collected as arrears of land revenue in supposed accordance with Section 52, Act II. of 1864 (Madras). This was no doubt illegal, but as the contributions have been stopped it is unnecessary to say more on this part of the case.

5. With regard to the lump payment, the first question is how it is to be decided? In many cases (*vide* the Chingleput Report) Inamdars absolutely refuse to pay any thing in cases where they manifestly ought to contribute a share of the cost of repairs. The Board fear that this difficulty can be overcome by nothing short of legislation.

6. The next question is as to how the sum, if fixed and agreed to by the Inamdars, is to be collected? In many districts it is reported that the Inamdars will pay their share readily, but in others they will not. If Government refuse to begin the work till the contributions are paid, delay injurious to Government ryots will often be caused. If they take a bond for the payment

they may often be driven to sue for the amount in the Courts and this is objectionable as pointed out in the Bellary Report. It would perhaps be the best plan to take an agreement (legally binding) and provide in it that if the stipulated sum is not paid by a certain date, Government will have a right to withhold water from all lands belonging to the defaulters, and Inamdars might perhaps be allowed to compound for an annual rate instead of making a lump payment. The only other resource is to legislate for the recovery of these sums as arrears of land revenue.

No. 173.

ORDER THEREON, 16th October 1874, No. 1,329.

Irrigation, No. 4.

His Excellency the Governor in Council resolves to request the opinion of the Advocate General upon the state of the law as affecting this question, and as to the powers possessed by Government.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Government Solicitor.
" the Board of Revenue.

Exd. G. A. Turton.

2/1329

Govt. of Madras

REVENUE.

To

THE GOVERNMENT SOLICITOR,

&c., &c., &c.

Dated October 16th.

Rcd.

Enclosure.

G. O., 16th *October* 1874, *No.* 1,329.

OCTOBER.

Nos. 172-173.

Contributions of Inamdars towards repairs of Irrigation works.—Requesting the opinion of the Advocate General upon the state of the law as affecting the question of realizing the said as to the powers possessed by Government

No. 2,643.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 16th September 1874.

Read again Board's Proceedings, dated 26th May 1871, No. 2,160.

Read also the following letters:—

From	the Collector of Ganjam,	dated	15th June	1871, No.	731.
"	" of Vizagapatam,	"	12th July	" "	667.
	" of Godavery,	"	18th do.	" "	248.
	" of Kistna,	"	24th June	" "	1,819.
"	" of Nellore,	"	20th October	" "	2,083.
"	" of Bellary,	"	9th August	" "	307.
"	" of Cuddapah,	"	24th February	1872, "	35.
"	" of Kurnool,	"	14th June	1871, "	202.
"	" of Madras,	"	30th April	1872, "	63.
"	" of Chingleput,	"	19th July	1871, "	327.
"	" of North Arcot,	"	31st do.	1874, "	410.
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"	" of Tinnevelly,	"	20th June	" "	264.
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"	" of Malabar,	"	13th do.	" "	167.

SUBMITTED to Government, with reference to G. O., 1st May 1871, No. 765.

2. It has been decided by Government that Inamdars holding *wet* Inams supplied by tanks or other works which also irrigate ryotwary land, cannot be called on to contribute towards the repair of the source of irrigation. Government have no concern with sources of irrigation which supply only Inam lands. There rem[illegible] the cases in which the source requiring repair is chiefly useful in supplying one or more Inam villages but [illegible] supplies Government land and the case in which an anicut or other new work is projected to supply Ryotwary and Inam lands. These are no doubt the cases in which Government assumed that it may be decided that the Inamdar shall contribute a lump sum towards repairs.

3. The Board, having been asked for their opinion as to how such a lump sum should be realized, called upon all Collectors to report on that subject, stating the practice in their districts.

4. From the replies it appears that contributions have often been exacted in the case in which Government have decided that they are inadmissible, and that in many districts they have been collected as arrears of land revenue in supposed accordance with Section 52, Act II. of 1864 (Madras). This was no doubt illegal, but as the contributions have been stopped it is unnecessary to say more on this part of the case.

5. With regard to the lump payment, the first question is how it is to be decided. In many cases (*vide* the Chingleput Report), Inamdars absolutely refuse to pay any thing in cases where they manifestly ought to contribute a share of the cost of repairs. The Board fear that this difficulty can be overcome by nothing short of legislation.

6. The next question is as to how the sum if fixed and agreed to by the Inamdars is to be collected? In many districts it is reported that the Inamdars will pay their share readily, but in others they will not. If Government refuse to begin the work till the contributions are paid, delay injurious to Government ryots will often be caused. If they take a bond for the payment they may often be driven to sue for the amount in the Courts and this is objectionable as pointed out in the Bellary Report. It would perhaps be the best plan to take an agreement (legally

binding) and provide in it that if the stipulated sum is not paid by a certain date Government will have a right to withhold water from all lands belonging to the defaulters, and Inamdars might perhaps be allowed to compound for an annual rate instead of making a lump payment. The only other resource is to legislate for the recovery of these sums as arrears of land revenue.

(A true Copy / Extract.)

Secretary.

To the Acting Secretary to Government, Revenue Department,

Copy to all Collectors. with a file of Collectors' replies.

Rd. G. A. Turton.

PROCEEDINGS, 16TH SEPTEMBER 1874, No. 2,643.

SEPTEMBER.
No. 2,643.

Contributions of Inamdars towards repair of Irrigation works.—Reports from Collectors as to how they would propose to realize — submitted to Government with remarks.

BOARD OF REVENUE, MADRAS.

No. 2,160.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th May 1871.

Read the following Proceedings of the Madras Government, dated 1st May 1871, No. 765, Revenue Department:—

(Read the following letters:—

No. 7. From the Superintending Engineer, 3rd Division, to the Secretary to Government, Public Works Department, Fort St. George, dated Bellary, 29th December 1870, No. 2,007.

REFERRING to paragraph 9 of G. O., No. 1,909 of 11th August last, I have the honour to [illegible] with the three Collectors in my division on the proposed system of realization of private contributions before works are put in hand, and the result of the correspondence is given below for the consideration and orders of Government.

2. The Collector of Kurnool is the only one who is somewhat in favour of the proposed system. That gentleman states that Kudi Maramut in his district is done by the ryots themselves, and that he knows of no instance in his district in which ryots have paid money to the Public Works Department for work done, either in advance or in arrears; but at the same time expresses his opinion that, were such payments made in advance, a great trouble and inconvenience would be averted, and that he sees no reason why such payments should not be made in advance. He does not, however, say anything if pre-payment of contribution can be enforced.

3. The Collectors of Bellary and Cuddapah are not in favour of the introduction of the system. The former officer informs that it will not always be practicable to realize private contributions and ryots' share of cost in the execution of irrigation, repairs, etc., before works are put in hand; and also says that it will be manifestly against the interests of Government to make such a ruling, as delay in the execution of necessary repairs to irrigation works will be sure to increase their eventual cost. The latter gentleman is also of the same opinion. He, however, further states that as the law now stands, such payments cannot be enforced, and that he does not see sufficient reason for legislative action in the matter. Moreover, he is of opinion that private contributions being purely gratuitous, and consequently voluntary on the part of the persons disposed to pay, any rules for their regulation are unnecessary.

4. In my opinion, I consider that it would suffice if the Revenue Officers took steps to realize the private contributions or ryots' shares directly a work is sanctioned, instead of postponing it as now for months, and, in some cases that I know of, for years.

TRANSFERRED to the Revenue Department, with reference to the undermentioned orders:—
28th May 1870, No. 1,347.
11th Aug. ,, ,, 1,909.
27th Sept. ,, ,, 2,325.

(Signed) CHARLES A. ORR, Colonel, R.E.,
Secretary to Govt., P. W. D.

9th January 1871.

No. 8. From the Acting Superintending Engineer, 8th Division, to the Secretary to Government, Public Works Department, dated Palamcottah, 14th January 1871, No. 2,668.

WITH reference to paragraph 20 of G. O., No. 1,909, dated 11th August 1870, calling for report on the suggestion in paragraph 7 of that order, I have the honour to state that the Collector of Tinnevelly is of opinion that the system of recovering private contribution from Inamdars, etc., before works are put in hand, can, with advantage, be introduced. The Collector of Madura states as follows:—

"Instructions have been issued to the Tahsildars for recovery of private contributions before "works are put in hand. Some of the persons bound to contribute make their payments before the "commencement of the work, while others object to do so till the completion of the work. In "the absence of any specific enactment on that subject, it is hardly possible to enforce payment "till the works are completed."

2. I am of opinion that the system, if enforced, will tend to reduce considerably the frequent references from the Controller regarding objectionable items and the correspondence resulting therefrom betweeen Range, Superintending Engineer's, and Collector's Offices.

TRANSFERRED to the Revenue Department, in continuation of endorsement, dated 9th instant, on a letter from the Superintending Engineer of the 3rd Division, dated 29th December 1870, No. 2,007.

20th January 1871. (Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Govt., P. W. D.

No. 9.

ORDER THEREON, 1st May 1871, No. 765.

Miscellaneous.

The Government, having [illegible] their Order, dated 1st September 1870, No. 1,375, decided that no contribution can be levied from an Inamdar towards the irrigation of land entered as nunjah in his Title-deed, and that, if in any case it be decided that Inamdars should be required to contribute towards repairs, the amount of the contribution should be settled by previous agreement, and should take the form of a lump payment.

2. The letters of the Superintending Engineers of the 3rd and 8th Divisions above recorded will be referred to the Board of Revenue for report as to how they would propose to realize the lump payment that may be agreed upon under the terms of the Order alluded to.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

To the Board of Revenue.

REFERRED to all Collectors, who will state the practice in their districts, and how they think the lump payment should be realized.

(True Extracts.)

(Signed) J. GROSE,
Acting Secretary.

(True Copy.)

(Signed) J. T. MAYNE,
First Assistant.

To all Collectors.

Exd. T. Cartledge.

1871.
Board of Revenue,
MADRAS.

PROCEEDINGS, 26TH MAY 1871, No. 2,160.

Received.

Encl.

M A Y.
No. 2,160.

Contribution from Inamdars towards Irrigation Works.—Proceedings of Government, forwarding to Board letters from Superintending Engineers of 3rd and 8th Divisions for report as to how they would propose to realize—, referred to all Collectors for report.

From J. W. BREEKS, Esq., Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 12th June 1871, No. 68.

WITH reference to Proceedings of the Board of Revenue, dated 26th May 1871, No. 2,160, on the subject of contribution from Inamdars towards irrigation works, I have the honour to state that there are no irrigation works in this district.

From W. WHITESIDE, Esq., Acting Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated 16th June 1871, No. 173.

ADVERTING to the Proceedings of the Board, No. 2,160, dated the 26th ultimo, I have the honour to report that the practice in this district is to obtain Muchilkas in view to securing payment of the amount agreed on, and to collect the same before the work is put in hand.

It would be impossible to realize the amount of contributions after the work has been carried out, as the parties concerned would, so long as their wants have been satisfied, be very indifferent as to whether that portion of the expenditure which forms their contribution, and which was paid as an advance from the Government Treasury, has been duly reimbursed or not. We would in such cases have to enforce payment by a civil action, basing our claim on the Muchilkas executed by them.

3. I observe that contributions agreed on have invariably been collected in this district without delay or difficulty before the works were commenced.

From F. C. CARR, Esq., Acting Collector of Ganjam, to the Acting Secretary to the Board of Revenue, dated Chetterpore, 15th June 1871, No. 731.

I HAVE the honour to reply to Proceedings of the Board of Revenue, dated 26th May 1871, No. 2,160.

2. It is not the practice in this district to levy any contribution from Shotriemdars for repair of irrigation works. In the Chicacole Talook some Rupees 190 is levied from certain entire village Inam holders on account of proportionate charges for repairs of irrigation works; and there is also a water cess which, in Fusly 1279, amounted to Rupees 1,221, collected from Inamdars for dry land converted into nunjah, but no voluntary contributions have been made.

3. It is not my opinion that an Inamdar or Shotriemdar should be treated in such a matter in any way differently from an ordinary ryot. For some merit or service an individual or a family is granted a piece of land rent-free or on quit-rent: at the time of grant if the land is irrigated the supposition would be that such irrigation would always be supplied.

4. If there were at the time [illegible] irrigation, before it be newly supplied an arrangement should be entered into with the Inamdar, [illegible] would probably willingly pay an increased rent upon his land for the sake of obtaining irrigation, but he would have nothing more to do with the source of irrigation than any ordinary ryot. The grant to him was a remission or partial remission of an annual rent, but in no other way altered his status or liabilities. In the case of a whole village being given as shotriem the Shotriemdars are the people to make the canal or tank and to keep it in repair, the Government have no interest in it, and should not attempt to assist.

5. Where there is a clearly defined legal obligation to pay, such is easily enforced; where there is merely a voluntary contribution to be obtained it must remain voluntary both as to being paid or not, and paid at such time as best suits the contributor. I would have no middle line between this legal obligation enforceable by coercion and the voluntary offering. "Being bound to pay," "recovery of private contributions," "required to contribute," etc., are vague terms which should be abandoned.

6. Ill-defined systems of this sort are productive of as much dissatisfaction to the occupier as they certainly are to the Collector and the Executive Department. An Inamdar holding his piece of Inam land in the middle of a nunjah village is bound as any other ryot to take his share of Kudi Maramut, his beneficiary enjoyment merely exempting him from a certain payment. Similarly in the land newly brought under cultivation he *must* pay his quit-rent and his increased water-rate. Where a whole village with its tanks are given to him he may please himself whether he keeps such in repair or not, but he *must*, in any case pay his quit-rent. The enforcement of the payment of a lump sum is almost impracticable, but even if practicable it would be illegal and should, therefore, not receive the countenance of authority.

Exd. J. Tulloch.

6/1329

From R. J. MELVILLE, Esq., Acting Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated 12th July 1871, No. 667.

Referring to the Proceedings of the Board of Revenue, dated 26th May 1871, No. 2,160, I have the honour to inform you that contributions due from Inamdars, as well as proprietors, towards the cost of repairs to irrigation works is generally demanded from time to time as occasion requires, and is always paid without demur. The amount to be borne by each individual depends on the expense of the repairs required.

2. It might be convenient to make such contributions recoverable, as are arrears of land revenue, to meet the case of Inamdars who refuse to pay their share.

From J. FRASER, Esq., Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Cocanada, 18th July 1871, No. 248.

With reference to the orders of the Board of Revenue, contained in their Proceedings of the 26th May last, No. 2,160, I have the honour to report that in the Godavery District the practice of recovering from either the ryots or Inamdars contributions towards repairs of irrigation works does not exist, as already reported in this office letter, dated 18th May 1868, No. 125.

From R. W. BARLOW, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 19th July 1871, No. 327.

With reference to the Proceedings of the Board of Revenue, No. 2,160, dated the 26th May last, I have the honour to report that no regular practice regarding collecting contributions for irrigation works from Inamdars has existed in this district, and the present state of things is far from satisfactory.

2. No contributions have been demanded from holders of minor Inams, but when Government water is used either for raising wet crop on dry land, or a second crop on one crop land, teerwajasti and fasaljasti are levied.

3. With reference to Shotriems and Mootahs, when the whole village is held on favourable tenure or permanent assessment, the case is different; if the holders come to terms it has been the practice to take written agreements from them as to their contribution, which, however, are only enforceable by a Civil action; but in the majority of cases they cannot be so brought to terms. I have a question of the kind pending at this moment. Certain irrigation works are being repaired, or are about to be repaired, the Jaghiredar of Tinnanore, and certain Shotriemdars of the Ponnery Talook, should contribute their quota, as they benefit by the work; they have all either flatly refused to contribute, or raised frivolous objections to the estimates framed by the Public Works Department.

Anicut at Vulloro in the Ponnery Talook, Tinnanore Hissa tank.

4. The plea of some land-holders has been that, under the permanent settlement, Government are bound to keep works of irrigation in order in return for the peishcush; this plea was actually raised by the Zemindar of Tiruvur, the Jaghiredar of Tinnanore, and certain other Shotriemdars, before the then Acting Collector in 1863;* in this case they had benefited greatly,† but they flatly refused to pay anything and Government declined to have recourse to Civil action, as no agreement had been taken from them previously as to the amount they must contribute.

* *Vide* paragraph 5 of Mr. Banbury's letter in Board's Proceedings, No. 7,936, dated 15th December 1863.

† *Vide* paragraph 3, Board's Proceeding above quoted.

5. I could cite other instances, but the cases I have quoted sufficiently show that Shotriemdars and others will not voluntarily contribute their quota to irrigation works, repairs, etc., and I think legislation might fairly be resorted to to compel them to do so for repairs by which they are clearly benefited or their revenue increased; whether, and if at all, under what circumstances they should be called upon to pay towards *new* projects and improvements they may not desire, and possibly do not approve of, would be a point requiring much consideration when legislating; the difficulty might probably be met by providing that, after the completion of any work, the Collector should be empowered to fix a lump sum leviable under the provisions of Act II. of 1864, if it could be shown that any land-holders had acquired increased means of irrigation by the said work. I prefer a lump sum to a water-rate on the land to which irrigation might be extended by such work, because the latter course would involve constant disputes, and examination of accounts.

From T. A. N. CHASE, Esq., Collector of Kurnool, to the Acting Secretary to the Board of Revenue, dated 14th June 1871, No. 202.

I HAVE the honour, with reference to Proceedings of the Board, dated 23th May 1871, No. 2,160, to inform you that contributions on account of Kudi Maramut have never been made in this district. When Kudi Maramut repairs are necessary the villagers either do the work themselves, or have it done by labourers.

2. I do not see why any change in this practice should be adopted, for the ryots and Inamdars will certainly be unwilling to subscribe money in place of the labour they now supply.

3. I do not see how it will be possible to enforce the payment of subscriptions, which are contrary to the practice of the district, without the introduction of a legislative enactment, and of all times this is the most inopportune that could be fixed on for starting a fresh method of raising new taxes, when the Local Funds' Act is only just commencing to affect all the cultivators in the district.

From R. K. PUCKLE, Esq., Collector of Tinnevelly, to the Acting Secretary to the Board of Revenue, dated 20th June 1871, No. 234.

IN reply to the Board's Proceedings, No. 2,160, dated 26th May 1871, I have the honour to report that though there may be no legal authority for collecting a per centage of the cost of a work from an Inamdar before-hand there has been no practical difficulty in doing so in this district, and I would advocate any money that has to be collected being so collected before-hand, thus saving time in accounts and avoiding reference to the Board, the Accountant-General, and Superintending Engineer. By Inamdars I here mean Kattuguttageidars and Inamdars holding entire villages, but if the petty Inams interspersed among the fields are to be considered the work might be delayed, and much difficulty might be experienced in collecting the money before-hand, as many of these petty Inams are held by non-residents or on trust.

From J. A. C. BOSWELL, Esq., Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Repalli, 24th June 1871, No. 1,819.

WITH reference to the Board's Proceedings, No. 2,160, dated 26th May 1871, I have the honour to inform you that before the receipt of the Government Order, dated 1st September 1870, No. 1,375, exempting the Inamdars, whose lands are entered as Nunjah in the title-deeds granted by the Inam Commissioner, from the payment of contributions towards irrigation works, since 1868 the plan was adopted in this district of levying the contributions from the Inamdars after the work was executed.

2. With respect to the question of realizing the lump payment that may be agreed upon by the Inamdars I beg to observe that, whenever it is decided in any case that the Inamdars should be required to contribute towards repairs, it is necessary that the officers of the Public Works Department should first ascertain from the villagers the correct extent of the Inam land that is calculated to be benefited by the irrigation work for which repairs are proposed; and in preparing the estimate they should enter the Inamdar's quota of the cost of repair separately in red ink. As soon as the estimate is received by the Collector for approval and countersignature he will examine it, and then order the Tahsildar to levy the sum in a lump sum from the Inamdars, who will distribute the same privately on their respective holdings. The Collector will communicate the same to the Public Works Department, who will afterwards commence the work.

3. I do not, however, anticipate that the system of pre-payment will be acceptable to the Inamdars, who will plead their inability to make any arrangement for the proper apportionment of their quota on their individual holdings. The contributions from Inamdars were, even after works were executed, always hitherto collected with much difficulty. I would request instructions as to whether such demands can be collected as arrears of land revenue; if so then the individual responsiblity of each Inamdar must be defined.

4. I would also request instructions as to how an Inamdar becomes liable to such payments at all. He holds an Inam puttah for so many acres of irrigated land at a fixed quit-rent, how then does he become liable for any further contribution for the repair of irrigation works, unless he enters into a voluntary agreement to contribute to some new work proposed.

From W. McQUHAE, Esq., Acting Collector of Madura, to the Acting Secretary to the Board of Revenue, dated 17th September 1871, No. 271.

With reference to the Board's Proceedings, No. 2,160, dated 26th May 1871, I have the honour to report, that Inams classed as Nunjah at the Survey, and exceeding 10 Cawnies in extent, with a few exceptions, have always contributed to the cost of repairing the irrigation works on which they depend for water, according to the proportion the Inam bears to the whole irrigated area under the work.

2. Previous to the receipt of the Board's Proceedings, No. 7,398, dated 15th October 1868, the cost of all repairs was borne in the first instance by Government, the Inamdar's share thereof being collected after the completion of the work and credited to Government.

3. The Collector of Madura addressed the Board on this subject on the 7th January 1860, No. 6, and again on the 30th September 1868, No. 263; and in their Proceedings, No. 1,578, dated March 9th, 1869, on the latter letter, the Board directed the Collector to continue the practice in force in the district pending the settlement of the question of levying a cess for repairs to irrigation works.

4. The extent of Inam liable to pay contribution at present is Cawnies 1,577 and the average sum collected annually on this account during the last ten years is about Rupees 100. The decision of Government that no contribution can be levied from an Inamdar towards the irrigation of land entered as Nunjah in his Title-deed, appears to me to settle the question in this district. The special cases in which contributions still require to be realized, are so few, that I think no special powers will be necessary.

From G. VansAGNEW, Esq., Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 20th October 1871, No. 2,083.

With reference to the Board's Proceedings, No. 2,160, dated 26th May 1871, I have the honour to state, that certain contributions towards repairs were, up to 1854, when the maramat was transferred to Public Works Department, enforced from certain Shrotriem villages which depended on Government tanks for irrigation; but since the tanks were transferred to that Department, no such contributions have been realized. I beg to refer the Board to their Proceedings, No. 6,722, dated 17th November 1870, in which a list of such works is given.

2. An attempt was made in the Public Works Department last year to enforce contributions from all Inamdars, but this course was held to be irregular, (*Vide* Government Order, No. 1,375, dated 1st September 1870) and was disapproved of.

3. It appears that in levying contributions towards repairs from Shrotriemdars up to 1854, the same course was pursued, as in realizing arrears of Land Revenue. No collections in advance seem to have been ever made. Usually after the repair was completed, the share to be charged to the Shrotriemdars was determined on the actual cost, and then levied.

4. The proposed system of levying contributions before the repairs are put in hand, would no doubt be found very convenient; but there is no power to enforce such advance payments. If lump payments were agreed upon by Shrotriemdars, they might be levied under Section 52 of Act II. of 1864, the amounts being in the meanwhile treated as advances in the accounts, but we cannot calculate on the previous agreement of the Inamdars to such payments.

Exd. G. A. Turton.

From W. S. FOSTER, Esq., Acting Collector of Bellary, to the Secretary to the Board of Revenue, dated 9th August 1871, No. 307.

I HAVE the honour to inform you that in this district it is not the custom for Inamdars to contribute any thing towards the repair of tanks.

2. This is in reply to the Board's Proceedings, No. 2,160, dated 26th May 1871.

3. The question to be considered is, "If in any case it be decided that Inamdars should be required to contribute towards repairs," what is the best mode of realizing the lump payment agreed upon?

4. Mr. Gibson says that before the works are begun the Public Works Department should "take the precaution of obtaining a bond upon stamp paper from the parties liable to contribute." He goes on to say that Government would seldom have to go to the Courts to enforce the terms of the bond; but I cannot think this would be a good mode: there is in my mind something so very unbecoming in Government appearing as a plaintiff in the Courts that I cannot recommend this plan. If by any chance Government were to lose the suit it would cause an incalculable amount of damage to their good fame.

5. In the case of ryots when they contribute anything it is generally collected from them before-hand: this is manifestly unjust, for Government are taking all the advantage to themselves: they are taking care that they shall suffer no loss, while they refuse the ryots the power of taking care of themselves if, perhaps, the work executed by Government should happen not to be very good. If the money is not collected before-hand the Revenue authorities are asked to collect it; the necessary result of this is well given in Mr. Gibson's letter, which I send herewith.

6. If in any case it be determined that Inamdars should contribute towards repairs, if there is any dispute between the Government and the Inamdar as to the amount, I would suggest that the matter be referred to a Commission to consist of three people, one nominated by the Superintending Engineer, one by the Inamdar, and one by the Collector: a fairer Commission could hardly exist.

7. The decision of this Commission might, perhaps, be open to revision by the Board or [illegible] of levying contributions from Inamdars and Shrotriemdars towards the repairs of irrigation works does not, I believe, exist in this district.

(True Copy.)

(Signed) J. H. GARSTIN,
Collector.

From A. McC. WEBSTER, Esq., Acting Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Mangalore, 24th July 1871, No. 1,038.

WITH reference to the Board's Proceedings, dated the 26th May 1871, No. 2,160, I have the honour to state that there are no irrigation works in this district, and consequently the practice of receiving contributions from ryots for such works does not exist here.

From J. C. HANNYNGTON, Esq., Acting Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 13th July 1871, No. 167.

WITH reference to Board's Proceedings, dated 26th May 1871, No. 2,160, I have the honour to inform you that there are no irrigation works in this district.

From W. M. CADELL, Esq., Officiating Collector of Tanjore, to the Secretary to the Board of Revenue, dated Vallum, 8th December 1871, No. 386.

I HAVE had the honour to receive the Proceedings of the Board of Revenue, No. 2,160, dated 26th May last, calling for a report as to what the practice in this district is with regard to the realization of the amount of contribution by Inamdars towards the expenses of Irrigation, and how the proposed lump payment should be realized.

2. In reply, I beg to refer the Board to Government Order, Revenue Department, No. 1,766, under date, the 20th August 1862, from which it will be seen that it was definitely decided by the Home Government, so far as this district is concerned, that the practice in regard to the maintenance and repairs of the Subsidiary Irrigation Works by which Inams are benefited should be abolished, and that Inams classed as Punjah, but converted into Nunjah by the use of Government water, are liable to water-rate, those classed as Nunjah being exempt from the demand. Thus the Inamdars in this district are placed on the same category as the holders of Punjah assessed lands, who, in case they are connected into Nunjah, pay only water-cess, but are not required to contribute to the marramat charges. They are, however, liable to such petty village labour as established local usage require of landholders; but it is entirely optional with them to contribute towards the expenses of Irrigation, and the acceptance of such voluntary contributions is not forbidden by the Government Order quoted above.

3. It is thus clear that the "lump payment" system is inapplicable to this district.

From C. T. LONGLEY, Esq., Collector of Salem, Acting to the Secretary to the Board of Revenue, dated 4th December 1871, No. 3,574.

I HAVE the honour to acknowledge the receipt of the Board's Proceedings, dated the 26th May last, No. 2,160,

2. It is not clear to what description of Inams the order of Government refers. I presume that it refers to cases in which the Inamdars are, either by prescriptive custom, or by the terms of the grant, bound to provide for the repair of irrigation works.

3. In this district, the works which irrigate partly Government lands, and partly lands belonging to Inam villages, are known as Hissa, or share tanks, or anicuts; and the proportion of the cost to be borne by each (*i. e.*,) the Government as well as the Inamdars) is on a well-known and recognised scale. Estimates for the repair of such works, are framed in the usual manner, and carried out by the Department Public Works. On the completion of the work, the actual cost is apportioned between Government and the Inamdars, and a bill is presented to the Inamdars for their portion. In the case of any default on the part of the Inamdars to pay the amount, the demand under Act II. of 1864 is served, and further procedure is adopted under Section 52 of the same Act. This system has worked well; and I see no necessity for any change or improvement, so far as Salem is concerned.

4. The holders of Sundry Inams, such as Personal, etc., are not required, either by usage, or by the terms of their grant, to contribute any thing towards Irrigation Works. If the Inam, in such a case, is Fysul Punjah land, and is converted into wet by means of Government irrigation, Teerwahjasty to the full extent, is always levied.

Exd. G. A. Turton.

12/1829

From the Honourable D. ARBUTHNOTT, Officiating Collector of Madras, to the Secretary to the Board of Revenue, dated 30th April 1872, No. 63.

With reference to Board's Proceedings, dated 26th May 1871, I have the honour to report that in the town of Madras the land-holders are not in the habit of contributing towards the repairs of irrigation works. The lands are assessed with permanent quit-rents, which are collected annually irrespective of the vicissitudes of season.

Rev. 3472/74

Read 16th October 74 & 2 Copys

15/22

14/13

REVENUE DEPARTMENT.

C No. 3472

From Pro. Bd of Rev.

Dated 16th September 1874.

FOR ORDERS.

Can be done in that Copy

Cater 101

7.10

Council 11

Rec. directed the Bd
to prepare a Draft act-
-ual in accordance
with the Law officers
opinion

Contributions of Inamdars towards repair of Irrigation works

FOR ORDERS.

Ask Ag of S of State
with Govt Cost Comm
Opinion

Council

Rd 10/10/74
C 6th Octr/74

15/39
13

From W. S. WHITESIDE, Esq., Collector of North Arcot, to the Secretary to the Board of Revenue, dated Palmanair, 31st July 1874, No. 410.

I HAVE the honor, with reference to the Board's Proceedings, dated 26th May 1871, No. 2,160, to report that the practice of calling on minor Inamdars to contribute towards the repairs of irrigation works does not prevail in this district. But where the irrigation works are situated in a village partly Inam and partly Government the Inamdar is required to pay the proportionate cost of the repair by previous agreement.

2. In an entire Inam or Shrotriem village the Inamdar or Shrotriemdar is, of course, required to meet the whole cost of the repairs in a similar manner where such repairs are executed towards the protection of a railway, a public road, or other public work.

3. In the case of a Dasbandam Inam tank requiring repair notice is given to the Dasbandamdar to put the tank in repair within a certain time. In default of his doing so the Dasbandam Inam is placed under attachment, and a further notice issued to the Dasbandamdar to the effect that in the event of his failing to carry out the repairs within a certain specified time the Dasbandam Inam will be finally resumed. Disobedience to this injunction results in the resumption of the Inam; and if the tank is of sufficient importance the execution of the necessary repairs by Government. In many cases, however, the ayacut under the tank and the revenue derivable therefrom by Government are so small that it is impossible to recommend the repair of the tank at the cost of Government, and in all such instances the failure on the part of the Inamdars results in the abandonment of the tank.

4. All the minor Inamdars raising a wet crop on dry land, or a second crop on a one crop land by the aid of Government water, pay their Tirwajasti or Fasaljasti as the case may be, but they have nothing to do with the repair, etc., of irrigation works in this district.