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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	537	Press
B.P. No.		Mis.
Dated	6.2.1877	197

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
6th February 1877.*

No. 146. Read the following Proceedings of the Board of Revenue, dated 13th January 1877:—

Read the following Proceedings of the Madras Government, Public Works Department, dated 28th October 1876, No. 2,888:—

COMMUNICATED to the Board of Revenue whose particular attention is called to paragraph 4 of Mr. Latham's letter, in which it is observed that sufficiently definite instructions have not been issued by the Board on the subject of G.O., 23rd September 1876, No. 1,329. It is desirable that any misconception should be speedily removed, and every facility afforded for utilising the canal-water.

2. The Board will report on paragraphs 7 and 8 of Mr. Latham's letter.

(True Extract.)

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

THE instructions which the Board issued with reference to G.O., 23rd September 1876, No. 1,329, are contained in the Proceedings recorded in G.O., 4th October 1876, No. 1,420. They directed that the water-rate should not be charged unless a fair crop was realised, and that the officers of Government should make the settlement whereby the people would be assured of liberal treatment. The instructions made it sufficiently apparent that the intention was that the expression, a fair crop, should be liberally construed. If a particular proportion of a full crop had been defined, officers might have considered their hands tied, and the object in view might have been endangered. The Board thought it better to leave the district officer's full discretion on the point; but they have no objection to its being now notified that charge will not be made unless three-fourths of a full crop are obtained. Mr. Latham's expression, a 12-Anna crop, is ambiguous, as it may relate either to a full or an average crop.

2. The Collectors of Cuddapah and Kurnool will notify to the ryots at once that they will not be charged unless three-fourths of a full crop are obtained.

3. The Board are not responsible for the Telugu notices. The Collectors will report what subsidiary instructions they have issued and also to what extent the concession made in the Government Order has been taken advantage of. If Mr. Latham objected to the Telugu notice issued in either district, it would have saved time, had he addressed the Collectors who would doubtless have acceded to his wishes, or sought further instructions from the Board at once. As to what Mr. Latham means by orders regarding the utilising of the canal-water in an active way, paragraph 3 of his letter is sufficiently clear, viz., that the ryots should be forced to take the water to their fields whether they like it or not. This is a principle to which, as they have stated in separate Proceedings referring to proposed amendment of the rules, the Board cannot subscribe.

Board's Proceedings, dated 13th December 1876, No. 3,161.

4. The Board's remark, alluded to in paragraph 7 of Mr. Latham's letter, had reference to what is notorious and admitted by Mr. Latham himself else. *Vide* paragraph 28 of his report recorded in G.O., 16th November 1876, No. 3,070, P.W.D. where, viz., that the Board and Revenue-officers of the districts have again and again urged that the Rs. 6 water-rate is too high. It is unnecessary for the Board to enter upon the indefinite complaints against Revenue-officers now preferred by Mr. Latham.

5. In paragraph 8 Mr. Latham has not correctly stated the effect of the orders regarding recovery of sums paid for water taken to supplement deficient supply of Government tanks. Full canal-rate (Rs. 6 per acre) is not collected in addition to Government water-rate (Rs. 4)

* The Board note that according to Mr. Latham's present statement the price of the water necessary to irrigate an acre ought on this calculation to be Rs. 4. and dry assessment. The rate per 1,440 cubic yards* has been supposed to be equivalent to the Company's rate of

Rs. 6 per acre, and two-thirds only of the whole sum paid by Government for the water thrown into the tank are to be distributed ratably over the ayacut and recovered in addition to the Government wet assessment. Thus if the tank receives half supply from ordinary sources, the ayacut rate to be recovered in addition to wet assessment would only come to Rs. 2 per acre. The ryots may elect whether they will trust to the ordinary supply and take the chance of losing their crops and obtaining full remission or of saving them and paying, besides the wet assessment, the extra ayacut rate for canal water. The Board see no reason why, as is apparently desired by Mr. Latham, Government should abandon their irrigation source and the wet revenue under it entirely to the Company. The ryots would then have to pay a water-rate of Rs. 6 in all seasons instead of Rs. 4 when the tank fills from ordinary sources and an additional charge which can never exceed 4 Rs. in bad seasons when the supply fails.

6. The Board have referred to the contract between the Company and the Secretary of State, and are of opinion that the terms of clause 13 are not infringed by the arrangement which has been made that clause provides that the price to be settled as a fair charge for the water supplied from the canal for irrigation shall be the price to be paid by the cultivators to the Government. This implies that Government shall not charge for the canal-water more than the price so fixed, and they, in fact, charge less; the contract does not require that the Government shall give any remission of wet assessment ordinarily due, such remission is a matter of grace and within the discretion of Government who might, if they pleased, charge the whole wet assessment even though there was no crop. The Board observe that the view announced in the Public Works Department (G.O., 18th October 1872, No. 2,452) to the effect that in the case under discussion "no demand can be made on the ryot in excess of the amount at which the land has been assessed has been deliberately set aside in G.O., 9th October 1874, No. 1,294, and 17th June 1875, No. 921.

(By Order)

(Signed)

E. E. STOKES,

Acting Secretary.

No. 147.

ORDER THEREON, 21st February 1877, No. 537.

Irrigation, No. 2.

RECORDED; the explanation furnished by the Board is sufficient.

(True Extract.)

(Signed)

D. F. CARMICHAEL,

Secretary to Government.

to the Board of
the Public Works Department.
the Chief Engineer for Irrigation.

Exd. F. R. Bantleman.

Revenue Deptt.

Proceedings of the Madras Government.
Read the following:

Proceedings of the Madras Government
Public Works Department, dated
28 October 1876, No: 2888.

Order thereon 4 Decr: 1876, No: 1913

Communicated to the Board of
Revenue whose particular attention
is called to para 4 of Mr. Latham's
letter, in which it is observed that
sufficiently definite instructions
have not been issued by the
Board on the subject of G.O.
23rd September 1876, No: 1329. It
is desirable that any mis-
conception should be speedily
removed and every facility
afforded for utilizing the

Contd. of 11877
REVENUE.
THE BOARD OF REVENUE.
G.O. 11877, N. 337.
FEBRUARY.
Nos. 116-147.
Printed at the Presses of the Board of Revenue, from
the Board of Revenue, and under the
impression furnished by the Board.

Canal water.

2. The Board will report on paras
7 and 8 of Mr. Latham's letter.

(True Subact)

(102) D. H. Mitchell
Secretary to Govt.

Govt Board of Revenue

The instructions which the
Board issued with reference to
L. O. 23 September 1876, No. 1329,
are contained in the Proceedings
recorded in L. O. 4th October 1876,
No. 1420. They directed that
the water rate should not
be charged unless a fair
crop was realized & that the
officers of Government should
make the settlement

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3/4
whereby the people would be
assured of liberal treatment.
The instructions made it suffi-
ciently apparent that the in-
-tention was that the impression
a fair crop should be liberally
construed. If a particular pro-
-portion of a full crop had been
defined, officers might have
considered their hands tied and
the object in view might have
been endangered. The Board
thought it better to leave the
District officers full discretion
on the point; but they have
no objection to its being now
notified that charges will

not be made unless $\frac{3}{4}$ of a full crop are obtained. After Latham's expression, a 12 anna crop is ambiguous, as it may relate either to a full or an average crop.

2. The Collectors of Buddapah and Kinnool will notify to the ryots at once that they will not be charged unless $\frac{3}{4}$ of a full crop are obtained.

3. The Board are not responsible for the Telugu notices. The Collectors will report what subsidiary instructions they have issued & also to what extent the concession made in the G.O. has been taken advantage of. If Mr.

33/4
Latham objected to the Telugu notice issued in either district it would have saved time, had he addressed the collectors who would doubtless have acceded to his wishes, or sought further instructions from the Board at once. As to what Mr Latham means by orders regarding the utilizing of the canal water in an active way, para 3 of his letter is sufficiently clear, viz, that the ryots should be forced to take the water to their fields whether they like it or not. This is a principle to which, as they have stated in separate Proceedings referring to proposed amendment of the rules, the Board cannot subscribe.

4. The Board's remark alluded to in para 7 of Mr Latham's letter had reference to what is notorious elsewhere, viz, that the Board and
Vide para 28 of this and a dissent by Mr Latham himself
report recorded
in G.O. 16100/76
P. 3070 P.W.D.

revenue officers of the districts have again and again urged that the Rs 6 water rate is too high. It is unnecessary for the Board to enter upon the indefinite complaints against revenue officers now preferred by Mr Latham.

5. In para 8, Mr Latham has not correctly stated the effect of the orders regarding recovery of sums paid for water taken to supplement deficient supply of Government tanks. Full canal rate (Rs 6 per acre) is not collected in addition to foot water rate (Rs 4) and dry assessment. The rate per 1440 cubic ft. The Board note that according to Mr Latham's present statement the price of the water necessary to irrigate an acre ought on this calculation to be Rs 4. The Board has been supposed to be equivalent to the Company's rate of Rs 6 per acre, and two-thirds only of the whole sum paid by Govt for the water thrown

into the tank ~~are~~ to be distributed ~~re-~~teably over the adjacent and recovered in addition to the Government wet assessment. Thus if the tank receives half supply from ordinary sources, the adjacent rate to be recovered in addition to wet assessment would only come to Rs 2 per acre. The ryots may elect whether they will trust to the ordinary supply and take the chance of losing their crops and obtaining full permission or of saving them and paying, besides the wet assessment, the extra adjacent rate for canal water. The Board see no reason why, as is apparently desired by Mr Latham, Government should abandon their irrigation source and the wet revenues under it entirely to the Company. The ryots would then have to pay a water rate of Rs 6 in all seasons instead of Rs 4 when

when the tank fills from ordinary sources
and an additional charge which can
never exceed 4 Rs in bad seasons when the
supply fails.

9. The Board have referred to the
contract between the Company and the
Secretary of State and are of opinion that
the terms of Clause 13 are not infringed
by the arrangement which has been made.
This clause provides that the price to be
settled as a fair charge for the water supplied
from the Canal for irrigation shall be the
price to be paid by the cultivators to the
Government. This implies that Government
shall not charge for the Canal water more
than the price so fixed, and they in fact
charge less; the contract does not require
that the Government shall give any remission
of wet assessment or in any other such

remission

His
alarm
assertion
pure

remission is a matter of grace and within
the discretion of Government who might
if they pleased charge the whole wet
assessment even though there was no
crop. The Board observe that the view
enunciated in the Public Works Report
dated (G.O. 18 October 1872 No 2452) to the
effect that in the case under discussion
"no demand can be made on the right in
excess of the amount at which the land has
been assessed" has been deliberately set
aside in G.O. 9 October 1874 No 1299 and
17 June 1875 No 921.

Curran Biffar
had not
13 January 1877

/By Order/

W. Curran
Acting Secretary

To
The Secretary to Government P.W.D.

Revenue 1877 Sept
No 1047

Bookkeeping of the
Board of the same

Aug. 13 Jan 1877

and 13 1/2
Feb 2 1/2 1877

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Ref: from must of
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5 Bonds of the same

1877-1878

1877-1878