

Revenue (1897) Department.

PRESS SERIES.

G.O., No. 6

DATED 5.1.97

[Despatch Abstract.]

Considering, with reference to Collector's proposal to transfer certain wet lands within the limits of Buddapak Municipality to dry, with a view to stop wet cultivation effectively, that the existing state of things should be allowed to continue until the schemes now under consideration for the drainage of ^{the} town have been carried out.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1896) Department.

CURRENT No.



From

The Board of Revenue,

Land Revenue, Madras.

Order

No. 4170 Misc.

Dated 10th September 1896.

Received 16.9.96

Registered 17.9.96

Enclosures 5

Spare copies

SUBJECT.

Submitting for the orders of Govt.

letters from the Collector of Cud-

dapah requesting sanction for the

transfer of wet lands within the

Cuddapah Municipality to dry.

BACK PAPERS.

G.O.	No.	Department.	Date.
869	812.9.91.		
2723	84.5.91		
313	85.3.91.		
B.P. 2723	23.6.94		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Reference on Cur. No. 5864 of 95. 210
Cuddapah Collis office
dated 24 May 1896.

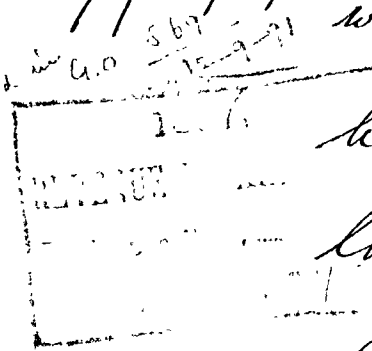
From
A. C. Fute Eugene,
Collector of
Cuddapah,

To.
The Secretary to the Commissioner of
Revenue Settlement & Director of
the Department of Land Records
and Agriculture,
Madras.

Sir, I have the honor to forward
herewith a statement showing the extent
of wet land situated within the Cuddapah
Municipal limits and to request that
the sanction may be accorded for their
transfer from wet to dry.

The question of stopping wet cultivation
within the Municipal limits of Cuddapah
has been as the Board is probably aware
long under discussion. The municipal
Council having in its resolution passed
at

G.O. No. 313 M. 95.3.91. 7
G.O. No. 2723 M. 84.5.91. 2.
G.O. No. 869 812.9.91.



at a meeting held on the 5th March 90
prohibited wet cultivation within the
municipal limits and warned the
pattadars against allowing water
to stand in the fields, the holders
of such lands were ordered by Mr.
Wolfe Murray to be compensated by
remission of the difference between
the wet and dry assessments year
after year. In June 1891, Mr. Wolfe
Murray having also noticed that
water was allowed to stand on certain
lands within the municipal limits,
directed criminal prosecution in cases
in which water was allowed to stagnate
even for 5 minutes. Since then, the
cultivation of wet lands within the municipal
limits has ceased.

3. From the correspondence contained
in G.O. No. 869 Rev. dated 12th September 1891

Communicated

210
Communicated with B.P. No. 6098 dated 24th
October 1891, (Settlement), it will be
seen that there was a proposal to abandon
Bongalcherwon tank altogether, but on
the advice of ^{the} Sanitary Engineer, the
Government decided that all restrictions
regarding the storage of water in the tank
and the expenditure on its repairs -
should be withdrawn. The prohibition
placed on wet cultivation within municipal
limits was not however withdrawn by the
municipality and it continues to remain
in force even now. In 1894, the Divisional
officer, having asked the Municipal
Council to withdraw the prohibition as
remission of difference between wet
and dry assessments was being granted
year after year, the Council referred
the ^{matter} to the Sanitary Commissioner
and

and communicated his opinion in which he said that it would be unwise of the Municipality to relax the prohibitory order. A copy of the Sanitary Commission-er's letter of the 29 August 1894 to the Chairman of the Municipality is herewith forwarded, from which it will be seen that wet Cultivation within Municipal limits should be permanently given up.

4. In Hassi 1304, the Chairman having found some cases of irrigation within the Municipal limits, they were charged penal water rate by the Divisional officer at Jamabandi. On appeal, I revised the charge and allowed single wet rate to stand, as the lands continue to be wet in our accounts. So long as they remain wet, it is not possible to prohibit wet cultivation except by having

4P
having recourse to criminal prosecution in the case of each individual, which is a tedious process and in my opinion not likely to be successful. The difference between wet and dry assessment being remitted annually on lands cultivated with dry crops, there is no monetary advantage gained by retaining the lands as wet and if they are transferred to dry, their irrigation can be easily stopped by the imposition of penal water rate.

5. The ^{financial} effect of the proposed transfer is given below—

Govt. or Inam.	Exchab.	Spent or Quit rent.	Dry Cost or Quit rent on Dry Cost.	Difference.
		R. as P.	R. as P.	R. as P.
Government.	306.77	2199 7. "	321.5. "	1878.2. "
Inam	105.90	431.10. "	75.12. "	355.14. "
	412.67	2631.1. "	397.1. "	2234. "

The amount of loss to Government is Rs 1878. 2. 4 on Government lands and Rs 355. 14. 4 on Inam lands. If the proposals

Proposals are approved, the Inam-
Commissioner will be addressed for the
revision of the Quit rent on the Inam
lands.

I have the honor to be.

Sir

Your most obedient servant
Signed A. C. Tate.
Collector.

Endorsement thereon by the Secretary to the
Settlement Department.

Transferred to the Land Revenue
Department for disposal.

/ True copy /

U. C. S.
A. G. Secretary.

Reference No. 5064 of 1895.
Ver

Cuddapah Collector's Office
dated 15th August 1896.

9/11/96
6

From.

A. C. Tate Esquire.

Collector Cuddapah.

To.

The Secretary to the Commissioner of
Revenue Settlement & Director of
the Department of Land Revenue
and Agriculture,
Madras.

Sir,

I have the honor to request you
that an early reply may be sent to my
letter Reference on Current No. 5064 of 1895.
dated 24th May 1896, requesting Board's
sanction for the transfer of certain wet
lands within the Cuddapah Municipality,
as the cultivation season is on at present.

I have the honor to be

Sir,

Your most obedient servant

Signed A. C. Tate. Collector.

Endorsement thereon by the Settlement Dept.

Transferred to the Land Revenue
Department.

(True copy)

Raeon
Ag. Secretary.

2000
16-7-16



Proceedings of the Board of Revenue
(Land Revenue)

No. 4170 Misc., dated 10th September 1896.

Read the following :-

1. Endorsement of the Settlement Department, dated 17th June 1896, on letter from the Collector of Cuddapah, Ref. on Cur. No. 5064/ver of '95, dated 24th May 1896.
2. Also Endorsement of the Settlement Department, dated 18th August 1896, on letter from the Collector of Cuddapah, Ref. on Cur. No. 5064/ver of '95, dated 15th August 1896.

Resolution

Submitted for the orders of Government.

- (2) With a view to stop wet cultivation effectively within the Cuddapah Municipality, the Collector proposes to transfer certain wet lands ^{lying} within Municipal limits to the dry class. He points out that, unless such conversion is effected, the imposition of penal water rate cannot be employed as a means of putting down wet cultivation. The action of the Municipal Council in prohibiting wet cultivation may possibly be justified under the Municipal Act, but the Board considers that no attempt should be made to enforce the Municipal prohibition.

Prohibition by the imposition of penal water-rate. It may also be pointed out as was done in Board's Proceedings No. 272, dated 24th 23rd June 1894, that Government may render itself liable for damages if, by an executive act, it prevents wet cultivation. Should the lands however, remain for a long period uncultivated with wet crops, they may, as a matter of convenience, be transferred to "dry".

3. In its order No. 869 Rev., dated 12th September 1891, Government accepted the Sanitary Engineer's conclusion that wet cultivation in the neighbourhood of Cuddapah did not affect the healthiness of the town and accordingly considered its prohibition unnecessary. If the Government remains of this opinion, the question will arise whether the Municipality should not be called upon to indemnify Government for the loss of the difference between the dry and wet assessments of the lands on which wet cultivation has been prohibited.

4. The particulars of area and assessments entered in the Collector's statements do not, in some cases, agree with those given in the Diglott registers. Should the proposed transfer to "dry" meet with the approval of Government, the Collector will be asked to explain the discrepancies and to amend the statements.

(True Extract)

Reelan

Acting Secretary.

The Secretary to Government Rev. Dept., with 3 enclosures (to be ret'd.)

Copy to the Collector of Cuddapah.

H.

2 with
copies of 2 letters.

6/1-97
C. No 6701
The Hon: Mr. Brose C. S. E.
For orders:

The lands cannot be transferred for wet to dry during the currency of the present settlement without the consent of the ryots. They would be forced to consent if the remissions now granted were refused, but I don't think it can be, as it is one of our principles not to charge for water unless water is available. They may, however, consent without this pressure being put upon them & if so the transfer should be made. If they do not consent, matters must remain as they are now, remissions being given, & the Municipality left to enforce its prohibition by criminal prosecutions.

The Municipality is undoubtedly responsible for the loss to Govt of Rs 2,234 per annum & could be made to pay it, but considering the circumstances of Cuddapah

By a resolution passed in 1890 the Cuddapah Municipal Council prohibited wet cultivation within municipal limits. Since then the owners of wet lands affected by the prohibition were granted remissions of the difference between the wet and dry assessments. In 1894 the Divisional Officer asked the Municipal Council to withdraw the prohibition, as it rendered necessary the continuance of the remissions year after year. On a reference being made by the Council on the subject, the Sanitary Commissioner stated that the prohibition should be maintained. The Collector accordingly proposes to transfer the lands affected, from wet to dry.

2. The first question for consideration is whether the Govt should interfere in any way with the order of the prohibition

passed by the Municipal Council. from the note under G.O. No 573 of 8.8.93 it will be observed that the Municipal Council is competent to order such a prohibition. When the question came before Govt on appeal by a landholder it declined to interfere (G.O. in the L. & M. rep. No 1742 of 20.12.93 under G.O. No 2564 of 26.12.93). In para 3 of the current the Board states that "Govt accepted the Sanitary Engineer's conclusion that wet cultivation in the neighbourhood of Cuddappah did not affect the healthiness of the town and accordingly considered its prohibition unnecessary". This statement is incorrect. For, in G.O. No 869 of 12.9.91 it merely considered that the irrigation from the Dougal cherruvu tank did not affect the healthiness of the town. The only question at issue then was whether the tank should be abandoned and it was decided that

the desirability of doing every thing we can to make it less unhealthy, & the length of time that has passed since the prohibition without our making any change, I think nothing could be said about this.

Shree K. R. M. S. 19/12/96
S. R. S.

I should say that the best thing would be to let things go on as at present, at least until the schemes now under consideration for the drainage of Cuddappah have been carried out. It may then be possible to allow the resumption of wet culture - but culture is carried on in many places close to inhabited houses without apparent injury to the health of the inmates, e.g., in Madras itself. I imagine the point to be not whether the land is irrigated, but whether, owing to natural causes or by artificial means, the sub-soil drainage is good.

17/12/96

There may be an objection that more is known about the result of the schemes which are under consideration

21/12/96

Dr. L. B. Russell

I think it is the business for Govt to endeavor to compel the Municipality to withdraw its prohibition. Govt can buy the wet land (if it is further the wet land is cultivated) and then the Municipality can punish the Cultivator for cultivation. Then the wet will also suffer but it is not possible to let it go and then in any way I can do. I submit that the revenue involved is not for including the difference with the files about it.

11/12/96

If the cultivator consents it will be a good thing to transfer the wet land within municipal limits to Govt. That water rate can be imposed on wet land as well as on dry. Though I think the latter is right in saying it can not be imposed in this case.

11/12/96

that it should not be. But no opinion whatever was expressed one way or another on the prohibition of wet cultivation within municipal limits.

3. The second point for consideration is whether the wet lands covered by the prohibition should be transferred to Govt. If the prohibition is to be permanent this course will be convenient as it dispenses with the necessity between the wet and dry areas: rents under present demand and also under revisions.

4. One reason assigned by the Collector for the transfer is that the order of prohibition can be rendered effective by the imposition of penal water-rate. It seems doubtful whether this course is expedient when the transfer to Govt is made without the consent of the ryots. As the Board suggests, the Municipal Council should be left to enforce its own order.

5. In this connection the question

question arises whether the Council should not be called upon to reimburse Govt the loss sustained by it by remissions of the difference between the wet and dry assessments. Under the decision arrived at in 11/10/96 we are to do this it is S.O. No 163 of 15.2.93. The Govt cannot cripple this way Municipal Council is liable in pecuniary terms to do so.

KD
7/12/96

11/12/96.

11/12/96.

C. No 6701 8P

5.0. 5th Jan 1897, No. 6.

The Govt considers that the existing ^{state of things} practice should be allowed to continue until the schemes now under consideration for the drainage of ^{the town of} Luddapah have been carried out.

KD
4/1/97

4/1/97

(List from order)
To

The B. of Revenue (L.R.D.)
with 3 enclosures
No. 3-2-97

4/3

Government (1897) of Madras.
REVENUE.

<i>Recd.</i>	}	1897.	<i>Enclosures</i>
<i>Regd.</i>			<i>Spare copies</i>

G.O., No. 6, 5th January 1897.

JANUARY.

Cuddapah Municipality.

Considering, with reference to the Collector's proposal to transfer certain wet lands within the limits of the — to dry, with a view to stop wet cultivation effectively, that the existing state of things should be allowed to continue until the schemes now under consideration for the drainage of the town have been carried out.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 4170, dated 10th September 1896 :—

Read—the following letter from A. C. TATE, Esq., Collector of Cuddapah, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated 24th May 1896, Ref. on Cur. No. 5064-Ver. of 1895 :—

I have the honour to forward herewith a statement showing the extent of wet land situated within the Cuddapah municipal limits and to request that the sanction may be accorded for their transfer from wet to dry.

2. The question of stopping wet cultivation within the municipal limits of Cuddapah has been, as the Board is probably aware, long under discussion. The Municipal Council having in its resolution passed at a meeting held on the

G.O., No. 313-M., dated 5th March 1891.
 „ 2723 Mis., dated 4th May 1891.
 „ 869, dated 12th September 1891.

5th March 1890 prohibited wet cultivation within the municipal limits and warned the pattadars against allowing water to stand in the fields, the holders of such lands were ordered by Mr. Wolfe-Murray to be compensated by remission of the difference between the wet and dry assessments year after year. In June 1891 Mr. Wolfe-Murray having also noticed that water was allowed to stand on certain lands within the municipal limits, directed criminal prosecution in cases in which water was allowed to stagnate even for five minutes. Since then, the cultivation of wet lands within the municipal limits has ceased.

3. From the correspondence contained in G.O., No. 869, Revenue, dated 12th September 1891, communicated with Board's Proceedings, No. 6098, dated 24th October 1891 (Settlement), it will be seen that there was a proposal to abandon Pongalcheruvu tank altogether, but on the advice of the Sanitary Engineer, the Government decided that all restrictions regarding the storage of water in the tank and the expenditure on its repairs should be withdrawn. The prohibition placed on wet cultivation within municipal limits was not, however, withdrawn by the municipality and it continues to remain in force even now. In 1894, the Divisional officer, having asked the Municipal Council to withdraw the prohibition as remission of difference between wet and dry assessment was being granted year after year, the council referred the matter to the Sanitary Commissioner and communicated his opinion, in which he said that it would be unwise of the municipality to relax the prohibitory order. A copy of the Sanitary Commissioner's letter of the 29th August 1894 to the Chairman of the Municipality is herewith forwarded, from which it will be seen that wet cultivation within municipal limits should be permanently given up.

4. In fasli 1304 the chairman having found some cases of irrigation within the municipal limits, they were charged penal water-rate by the Divisional officer at jama-lands continue to be wet in our accounts. So long as they remain wet, it is not possible to prohibit wet cultivation except by having recourse to criminal prosecution in the case of each individual, which is a tedious process and, in my opinion, not likely to be successful. The difference between wet and dry assessment being remitted annually on lands cultivated with dry crops, there is no monetary advantage gained by retaining the lands as wet and if they are transferred to dry, their irrigation can be easily stopped by the imposition of penal water-rate.

5. The financial effect of the proposed transfer is given below :—

Government or Inam.	Extent.	Assessment or quit-rent	Dry assessment or quit-rent on dry assessment.	Difference.
	ACS.	RS. A. P.	RS. A. P.	RS. A. P.
Government	306 77	2,199 7 0	321 5 0	1,878 2 0
Inam	105 90	431 10 0	75 12 0	355 14 0
Total	412 67	2,631 1 0	397 1 0	2,234 0 0

The amount of loss to Government is Rs. 1,878-2-0 on Government lands and Rs. 355-14-0 on inam lands. If the proposals are approved, the Inam Commissioner will be addressed for the revision of the quit-rent on the inam lands.

ENCLOSURE.

From Surgeon-Lieutenant-Colonel W. G. KING, M.B., C.M., D.P.H., Acting Sanitary Commissioner, Madras, to the Chairman, Municipal Council, Cuddapah, dated Fort St. George, 29th August 1894.

With reference to your letter No 310, dated 28th April 1894 I have the honour to state that, having personally inspected the ground you mention, I am of opinion that it would be unwise of the Municipality to relax the general ruling they have already passed as to the prohibition of wet cultivation within municipal limits. The soil of Cuddapah is obviously highly charged with the immediate agent of malaria, usually recognised by modern authorities as a protozoon, judging by the grievous manner in which the inhabitants are subjected to malarial fever. This being so, it would be most injudicious to take any step which would permit either the soil or sub-soil being retained in a state of moisture which favours its propagation especially within a distance of dwellings through which it might reasonably be supposed the virus can be air-borne, as in the present case.

Endorsement of the Settlement Department, dated 17th June 1896.
 Transferred to the Land Revenue Department for disposal.

(True Copy.)

(Signed) R. C. C. CARR,
 Ag. Secretary.

Read—also letter from A. C. TATE, Esq., Collector of Cuddapah, dated 15th August 1896, Ref. on Cur. No. 5064-Ver. of 1895.

ABSTRACT.—Requesting an early reply to his letter, No. 5064, dated 24th May 1896.

Endorsement of the Settlement Department, dated 18th August 1896.
 Transferred to the Land Revenue Department.

(True Copy.)

(Signed) R. C. C. CARR,
 Ag. Secretary.

Resolution—Mis. No. 4170, dated 10th September 1896.

Submitted for the orders of Government.

2. With a view to stop wet cultivation effectively within the Cuddapah Municipality, the Collector proposes to transfer certain wet lands lying within municipal limits to the dry class. He points out that, unless such conversion is effected, the

imposition of penal water-rate cannot be employed as a means of putting down wet cultivation. The action of the Municipal Council in prohibiting wet cultivation may possibly be justified under the Municipal Act, but the Board considers that no attempt should be made to enforce the municipal prohibition by the imposition of penal water-rate. It may also be pointed out, as was done in Board's Proceedings, No. 272, dated 23rd June 1894, that Government may render itself liable for damages if, by an executive act, it prevents wet cultivation. Should the lands, however, remain for a long period uncultivated with wet crops, they may, as a matter of convenience, be transferred to "dry."

3. In its Order No. 869, Revenue, dated 12th September 1891, Government accepted the Sanitary Engineer's conclusion that wet cultivation in the neighbourhood of Cuddapah did not affect the healthiness of the town and accordingly considered its prohibition unnecessary. If the Government remains of this opinion, the question will arise whether the Municipality should not be called upon to indemnify Government for the loss of the difference between the dry and wet assessments of the lands on which wet cultivation has been prohibited.

4. The particulars of area and assessment entered in the Collector's statements do not, in some cases, agree with those given in the diplot registers. Should the proposed transfer to "dry" meet with the approval of Government, the Collector will be asked to explain the discrepancies and to amend the statements.

(True Extract.)

(Signed) R. C. C. CARR,
Ag. Secretary.

To the Secretary to Government, Revenue Department,
with three enclosures (to be returned) and with copies of two letters.
Copy to the Collector of Cuddapah.

ORDER—No. 6, Revenue, dated 5th January 1897.

Miscellaneous.

The Government considers that the existing state of things should be allowed to continue until the schemes now under consideration for the drainage of the town of Cuddapah have been carried out.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue),
with three enclosures.

Exd. Shaik Karim.

40 Copies.

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES
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Letter only.
Order complete with Letter.

READ AGAIN G.O. No.
189

PATH:

CURRENT No.

ENCLOSURES TO C No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAYERS NOT FILLED IF BEING MEANT FOR REATCH
IN ORIGINAL.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.