

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 1891

DATED 29th April

[Despatch Abstract.]

Recording B.P. passing orders on letter from the Colbr. of Krishna enquiring whether his interpretation of the intention of Govt. in the matter of difference between the rates of dry and wet grouping in certain villages of the Repalli and Bapatla taluks is right.

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 (1898) Department.

CURRENT No. 1563.

Just for

29/4/98

*Read B.P. 1242 line
7 19 Feb 98*

Order Mis No: 1871 dt 29 April 1898

From the Board of Revenue
Revenue Settlement, Land
Records and Agriculture,
Madras

Recorded

No. 1242-Miscellaneous

*Mu
29/4/98*

Dated 19th February 1898

Received 23

Registered 24

Enclosures/

Spare copies

to Mr B D R S L R Y A } dated 31/5/98.

(with Serials etc)

Issue

SUBJECT.

Passing Orders on letter
from the Collector of Kistna
enquiring whether his
interpretation of the inten-
tion of Government in the
matter of differences between
the rates of dry and wet
grouping in certain
villages of the Repalli and
Bapatla taluk is right

BACK PAPERS.

G.O.	No.	Department.	Date.
C no	10901/971	Connected Papers.	
V. 851		R. no	17-2-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Office (Circular referred to in para 1 of the letter)

Sorting wet and dry lands in certain villages of Repalli and Bapatla Taluk under 1st and 2nd groups respectively.

The ryots of the undermentioned villages in the Repalli and Bapatla Taluk are informed that the wet lands in those villages have, under the orders of the Board of Revenue and Government, been placed in the 1st group, while the dry lands will remain in the 2nd group. Therefore dry lands in them, which may hereafter be converted into Wet, will be chargeable with 1st group rates, and similarly when wet lands are transferred to dry they will be liable to be charged only with 2nd group rates.

The annexed table showing the difference between the 1st and 2nd group rates for the lands prevailing in the said villages is published

published for general information

Class	Sect	Dry Assessment				Remarks
		1 st Group rates		2 nd Group rates		
II	1	4	8	3	8	In both groups the water rate is 4 Rupees per acre
	2	3	8	2	8	
III	1	3	-	2	-	
	2	2	-	1	-	
	3	1	8	1	-	
IV	1	2	-	1	8	
	2	1	8	1	-	
	3	1	-	-	12	
V	1	1	8	1	-	

Repalli Taluk Villages

- | | |
|----------------|------------------|
| 1. Addepalli. | 11 Pedagadlavuru |
| 2. Aravapalli | 12 Pedapudi |
| 3. Bhattiprolu | 13 Pedavuru |
| 4. Chinavuru | 14 Pinapadu |
| 5. Edlapalli | 15 Singupalem |
| 6. Katavaram | 16 Tenali |
| 7. Kuchipudi | 17 Venuvu |
| 8. Manduru | 18 Zampani |
| 9. Mulfuru | 19 Buddam |
| 10. Talluru | 20 Repalli |
| | 21 Peturu |

Bapatla Taluk Villages

- | | |
|-------------------|---------------------|
| 1. Bodipalem | 11 Karanchedu |
| 2. Chebrole | 12 Manduru |
| 3. Doppalapudi | 13 Patralatadiparu |
| 4. Inagantipadu | 14 Pundla |
| 5. Iternu | 15 Venanapalem |
| 6. Kunkalamuru | 16 Vallabharoopalem |
| 7. Appakota | 17 Vuppapalem |
| 8. Mamava | 18 Cherkuru |
| 9. Muniipalli | 19 Marripudi |
| 10. Murukondapadu | 20 Narasayapalem |

- | | |
|-------------------|-------------------------|
| 21 Patredadipalem | 28 Bellaluru |
| 22 Vaslamudi | 29 Return |
| 23 Mulapalem | 30 Garikipadu |
| 24 Jammulapalem | 31 Gopapuram |
| 25 Kankatapalem | 32 Gupudi |
| 26 Kollimerla | 33 Pandrapad |
| 27 Arcamanda | 34 Langam - jagarlamudi |
| | 35 Bhahmana Koduru |

(Signed) Vijayasaradhi
For Acting Sub Collector

(True Copy)

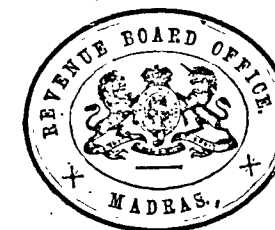
(Signed) H. V. Aniravan

For Acting Collector

(True Copy)

R. V. Sundarar
Secretary

End of
2/1/22



Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture),

Dated 19 February 1898.

No. 1242 his

READ the following letter from the
Collector of Nistna, Ref No 766 of 1898
General
dated 4 February 1898:—

I have the honor to enclose
Copy of a circular issued by the
Collector and published in the
District Gazette dated 28 June 1893.
From this it will be observed
that the wet lands in 56
villages in the Tinali and the
Bapatla Taluk have been placed
in the first group and the dry
lands in the second group, so
that the grouping is altered
whenever ryots apply for or relinquish water

2. In Jasli 1305, there were numerous relinquishments of water, owing to water-rate strikes — consequent on the enhancement of the rate of water-tax from Rs 4 to 5. The relinquishments were presented in time and accepted. Later on, when the strike was over, the ryots wanted to withdraw them, but were not allowed to do so. The lands were consequently transferred to dry, and the grouping also was altered according to the terms of the circular referred to in para 1.

3. The ryots were, however, allowed time till the 20th July to present in formal applications for water and to cultivate wet crops with canal water, and the lands charged with single water rate at Rs 5 per acre.

4. The ryots in some of the villages referred to in the circular paid land assessment at the first group

group rates, but at the jamabandi of the Jasli (1305) assessment at second group rates was entered in the demand, the difference being treated as excess collection. Later on the Tahsildar ordered the excess to be adjusted towards the demand without reference to higher authorities. I decline the adjustment has not been carried out yet.

5. The Sub Collector now brings the matter to my notice and states that the amount involved is very large, being Rs 1000 in one village, and requests orders that the adjustment ordered by the Tahsildar may not be carried out and the order of Government be obtained as to whether the difference between 1st and 2nd group rates of assessment should be collected for the strike-year (1305)

(1305) in those villages where the distinction exists.

6. The terms of the circular were perfectly correct, and under it the action of the jamabandi officer and of the sahsildar in altering the grouping when — transferring the lands to dry — was quite right. But the result has been that the strikers will receive a benefit from their strike, which I am sure — Mr. Atkinson never intended they should have. For, if the adjustment is carried out, a striker will have been charged for fasti 1305 dry assessment at 2nd group rates plus single water rate, while those who did not strike have been charged 1st group dry rates plus water rate. Mr. Atkinson evidently intended only that those who had thoughtlessly followed the

the lead of agitators should not be seriously injured by their folly. It would have been better therefore if the ryots had been told in the beginning of the fasti, when they applied for water again, that they would have had to pay the difference of assessment between dry and wet grouping as well as water rate as a condition for Government refraining from penalizing their wet cultivation in that particular year. This was not done, probably — because this peculiarity in the settlement escaped notice

7. As regards those ryots who relinquished water for 1305, and did not reapply for 1306, but cultivated wet crops, penal water rate has been imposed and in some cases water has been refused altogether. I do not think we need collect anything more from them than a strict application of the circular of 1873

1873 and of Mr Atkinson's
Circular of the 8th July 1895, Ref on
C. No ¹⁸²¹₉₁₈ of 1895 would warrant.
The penalizing of their wet —
cultivation in 1306 quite —
makes up for any loss of
revenue from this cause on
account of 1305. But in regard
to those who relinquished water
for 1305 and applied for water
before the 20th July 1895, and in
proper time applied for water
for 1306, they have benefited
by the reduction for 1305 of
the grouping of their lands. These
men might equitably be called
upon to pay the difference of
dry and wet grouping, which
they would have paid, had
they not relinquished water or
had their relinquishments
been permitted to be withdrawn.
In fact they did not know
this technicality and most
of

of them did pay the difference
and I think no refund need
be made to them or adjustment
credited to their pattaos. I
request that the Board will
be pleased to inform me
whether I am right in thus
interpreting the intentions of
Government in this matter.

Resolution

The Board considers
that when Government allowed
'relinquishers' to apply for water up
to the 20th July 1895, the intention was
that they should be treated as if
they had not relinquished water
for fasli 1305. If, as the Board
presumes, the practice, in the
case of second group dry lands
converted to wet with Government
water, duly applied for and detained,
is to charge the first group dry
rate even for the first year in
which

which the conversion is made, there is no reason for not charging the same rate in the cases referred to by the collector.

2. Where penal water-rates were levied for fasli 1305, the second group dry rates only — should be levied for that fasli. The Board presumes that when the penal water-rates prescribed in rule I of the Delta water-rate rules are charged on second group dry lands, the dry assessment levied thereon is the second and not the first group rate.

3. With reference to the collector's remarks in the first three sentences of para 7 of his letter read above, the Board observes that if a ryot who relinquished water for fasli 1305

neither applied for nor took water for that fasli, in any of the villages under reference, he was liable to pay only second group dry rate for his land for that fasli whether he did or did not apply for water for the subsequent fasli and whether he paid single or penal water rate for that year.

(True Copy & Extract)

L. V. Sundarasi
Secretary

To
The Collector of Kistna
Copy to the Secretary to Government,
Revenue Department,
with copy of notes.

Encl d
2/1/84

Read no 1563 of 1895
B.P. (R.G.) No 1242 of 1895

For orders.

The Board of Revenue sends up to Govt a copy of its Proceedings in which it has passed orders on certain questions raised by the Collector of Kistna regarding the assessment to be levied on the lands in certain villages of the Repalle and Bapatla Taluks for which water was relinquished during the strike in 1895.

2. At the last settlement, the lands in the Kistna Delta were classed as 'dry' and rendered liable, when irrigated, to the payment of a water-cess in addition to the separate land assessment. The land assessment, however, was made to vary in 5-6 anicut-irrigated villages of the Repalle and Bapatla Taluks, according as the land ^{therein} was irrigated or not for

C25/4/98

first group dry rates being levied ~~on~~ in the case of irrigated lands and second group dry rates in the case of dry lands. This distinction was brought

D. para 4 of letter in page 2 of G.O. 1407 D/12.12.73 & para 2 of B.P. in the last page of the same G.O.

as follows:- About ~~by the facts that at~~ ^{Board ordered} the ~~first~~ settlement, the villages in question were first ~~ordered~~

to be raised from the 2nd group to the 1st group, and that order was applied to both

wet & dry lands. Some explained to the Board that this wd. press heavily on the dry lands & the Bd then decided that the rates should be raised.

~~it was subsequently decided that the higher grouping should be taken into account in fixing the dry assessment on irrigated lands, and that the original grouping should be retained for calculating the dry assessment on dry lands.~~

A circular was accordingly issued on the introduction of the settlement in 1873, to the effect that the dry lands of the villages in question in the Repalle & Bapalla Taluks would be chargeable with first group dry rates, + water rate, when converted into wet

G.

and that similarly, ~~where~~ the 'wet' lands of those villages would be liable only to second group dry rates, if converted into 'dry'.

3 In Faski 1305, when there was a strike against the enhancement of water rate a large number of persons relinquished water for their wet lands and when the agitation ceased, most of them applied for water again. The question as to how these persons were to be dealt with was considered by Govt and in accordance with the instructions contained in G.O. No 2683 D/6.7.95, the collector

E in the Confidential Cover.

of Kistna, issued to those who re-applied for water before the 20th July of that year, endorsements in the following terms:-

F in G.O. 2683 Conf. 6.7.95

"Petitioner is hereby informed that the Collector has no power either to permit relinquishments to be withdrawn or to extend the

"the time for applications.
3. If pcts choose to take
"water and irrigate his
"fields no interference
"will be offered by the
"Authorities to the taking
"of the water nor will any
"penal rate at all be
"charged for such irriga-
"tion. The charge will
"be the single rate of Rs
"5 per acre."
4. The ryots in some of
the villages of the Repalle
and Bapatla Taluks above
referred to, who re-applied
for water and received
endorsements in the above
form, ^{took water and} paid land assess-
ment ~~on the same~~ at
first group rates for fasli
1305 ⁱⁿ but as the endorse-
ments given to them ^{however,} it
was stated that the
Collector had no power
to permit the relinquish-
ments to be withdrawn,
their wet lands for which
^{they had at first relinquished}
~~the same~~ ^{was taken over}

water were transferred to dry
and in accordance with the
terms of the Circular of 1873,
the land assessment for fasli
1305 was fixed by the Jama-
bandi officer at second
group rates, and the Tah-
sildar also issued orders sub-
sequently to the effect that
the excess difference between
the 1st and 2nd group rates
should be treated as excess
Collection and adjusted.
The Collector now points out
that although the action
of the Jamabandi officer and
the Tahsildar in altering the
grouping when transferring
the lands to 'dry' was con-
sistent with the terms of the
circular of 1873, it would
result in the giving the
relinquishers of water a
benefit which was never
intended; inasmuch as,
while innocent men who
did not join the strike
and ~~continue~~ Relinquish
water, ~~might~~ continue to pay

pay the 1st group dry
rates + water rate. Those
who followed the agitators
and joined the strike and
relinquished water ^{have to} pay
only 2nd group dry rate +
water rate. The Collector
says that it would have
been better if the ryots
had been told in the begin-
ning of the fasli, when
they applied for water again,
that they ^{would} have to pay
the difference of assess-
ment between dry and
wet grouping, as well as
water rate as a condition
for Govt refraining from
penalizing their wet culti-
vation in that particular
year. and that this was
not done probably because
the peculiarity in the
settlement of the villages
in question escaped
notice. The Collector
thinks that the ^{difference} ~~amount~~ be-
tween the 1st and 2nd
second group rates need

Yes: I think this is the
correct view

S.P.

not be refunded or credited
in favour of the paddars
and asks if ^{view} ~~his~~ is right.
5. The Board of Revenue has
told him that it considers
that it ~~was~~ when Govt
allowed 'relinquishers' to
apply for water up to the
20th July 1895, the inten-
tion was that they should be
treated as if they had
not relinquished water for
fasli 1305. The Board also
adds that if as it presumes
the practice in the case of
second group dry lands
converted into wet with
Govt water duly applied
for is to charge the first
group rate even for the
first year in which the
conversion is made, there
is no reason for not charg-
ing the same rate in the
cases referred to by the Collector.
6. It was clearly
never intended that the
strikers of the villages of
Repalle and Bapatla

in question, should derive any benefit from having participated in the agitation and relinquished their lands first, and the endorsements issued by the Collector would have distinctly declared their liability to pay the 1st group rates as usual, if the peculiarity in the settlement of those villages had been brought to notice.

It appears that the ryots themselves did not know the technical ^{distinction} and that most of them paid the 1st group rates. Even if they should claim to be assessed at second group rates, ^{for fasli 1305} ~~on the 1st~~ under the strict letter of the Circular of 1873 & the endorsements given them, the Civil Courts will not ^{it is thought} admit the claim, having regard to the Sec. 58 of Madras Act II of 1864.

It is therefore submitted that as observed by the Board of Revenue, the 1st group

The civil courts cannot interfere with rates of assessment.

group rates may be charged and ~~then~~ no refund or adjustment of the difference between the 1st & 2nd group rates need be made in the cases above referred to.

8. The Board of Revenue next deals with cases in which the ryots who relinquished water for fasli 1305 in the villages in question re-apply for it after the 20th July 1895 or did not apply again ~~at all~~ for that fasli but took water ^{for their lands}. In these

cases, as stated in G.O. no. 2683 of 6.7.95, the Collector had discretion to charge penal water rates. ^{for fasli 1305} ~~for the 1st~~ The Board of Revenue says that where penal water rates were so charged, the second group dry rates only should be levied in addition.

It is submitted that this view is correct. When wet cultivation is penalized the land is

is clearly not recognized
as 'wet' and the ryots are
not treated as if they had
not relinquished water.

It is therefore fair that
the ~~land~~ assessment which
would be levied on the
land if 'dry' should
be ^{charged} ~~levied~~ in addition to
the penal water-rate.

9. The Board of Revenue
also observes, that if
'a ryot who relinquished
'water for fasli 1305.
'neither applied for nor
'took water for that fasli,
'^{in any} ~~many~~ of the villages now
'in question, he was liable
'to pay only second
'group dry rates for his
'land for that fasli.
'whether he did or did not
'apply for water for ^{the} ~~that~~
'^{subsequent} fasli, and whether he paid
'single or penal water rate
'for that year.'

This view also ^{may} ~~is~~ it is
submitted ^{approved} ~~by~~ ^{the} ~~Board~~.

See The Board's views & instructions are
clearly correct & the current may be ~~used~~ ^{used}

M
21/7/82

When given for copying _____
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When signed _____

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DETTO.

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IN ORIGINAL.

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