

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 1916

DATED 2nd May 1898.

[Despatch Abstract.]

Communicating to the Board of Revenue, Procdg. of the P.W.D. stating that the Board's interpretation of G.O. No. 501, W. of 10-2-96, regarding the question how a holder of land under ryotwari settlement may be made to repair any private tank of his which may affect a railway line, is correct.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
90	475	Nar	25-8-98				

Revenue (1898) Department.

CURRENT No. 1939

x copies of the
notes and
figures in the
file

Prop. of the
From

Public Works Department.

Order. Mis. No. 1916 8/2:5.98.

No. 373 H.

Communicated to the Board of Revenue.

2. It appears advisable to take power to require
a holder of land under ryotwar Settlement, to whom
the Railway Protection Act, 1886 (Madras) does not
apply, to repair ^{in his land} any private tank of which may
affect the railway line. The Board of Rev is requested
to state whether it sees any objection to the addition
of the following para to S.O. no 8 (Revised
Edition) - "Para 7. The Collector may, at
any time, cause any tank constructed in accordance
with these provisions to be inspected by an Officer
of the P.W. Dept, and may carry out any recom-
mendation which such Officer may make in
the manner laid down in para 6."

Dated 15 Febry

Received of Mr

Registered 10

Enclosures 2

Spare copies.

SUBJECT.

Private Tanks affecting Railway

Stating with remarks, that the Rev.
interpretation of G.O. No 501 H. 97
10 Febry 1896, in the subject of the
maintenance of - is correct.

To the Board of Rev (Selt)

(From orders)

KD
28/4/98

Desp.
6.5.98
2/10

10.3.98
Recd
M. S. S.

BACK PAPERS.

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Office Note No. 340, dated
22nd November 1897.

From The Chief Engineer for Irrigation
To The Secretary to Government, P.W. Department.

In continuation of the subject of this Office Note No. 335, dated 19th November 1897, enquiries having been made in this office as to how the class of tank referred to viz private tanks in ryotwari land should be dealt with if out of repair and affecting a railway it is observed that para 6 of Board's standing order No. 8 (Chapter I) provides for Government interference "after completion". As it is of equal importance that this class of tank should, when affecting railways, be kept in order as any other class of tank, it might be well to enquire whether this class of tank cannot be dealt with under the standing order quoted.

(True Cops)

R. S. G. S.

Head Clerk S. W. S. S. S.

29/11

Note by His Excellency, the Governor,:-

Which accepting the draft G.O. I would observe with respect to the Board's remark in para 9 of their Proceedings, No. 72 17th March 1869, that the Board have perhaps overlooked the fact that ryots may sometimes own private land.

(J) A.E.H.
30.12.77

Note by Hon. Sir Henry Bliss, K.C. I.E.:-

Of course if a ryot is also a "landholder" under the Act and has a tank on land held by him as such "landholder", not as a ryot, the Act would apply to him qua such "landholder" with respect to such tank. This will be apparent, I should say, but for safety's sake the point might be mentioned.

(J) H.B.
6.1.78

(J) J.G.
21.98.

Note by His Excellency, the Governor,:-

In my note of 20.12.77, I was referring to private tanks constructed by ryots, not "landholders", under Board's standing orders, 8, Chapter I, para 13. These would not seem to come under the Act.

(J) A.E.H.
15.1.98.

Note by Hon. Sir Henry Bliss, K.C. I.E.:-

I do not think the tanks referred to by His Excellency come under the Act. In fact, they are expressly excluded. They must be dealt with under Board's G.O. 8(6) - that is, if the tank owner who has constructed a

private

Private tank on Government land does not keep it in a safe condition, the lands which he estimates will under it paying one day assessment will be charged with assessment for the future, and the Government will assume possession of the tank. Considering that, in case of need, the unit assessment can legally be fixed at a prohibitory rate, these powers should, I think, afford sufficient protection to railways.

These land Revenue questions raised by the P.W. Department should be sent through the R.D. and should go to the Hon. Mr. Gibson first.

(9) H.B.: 98
19.1.98

Note by His Excellency, the Governor. —

Yes, but, I would suggest that the inspection mentioned in No. 8 (b) is a single inspection after completion. If these orders are amended, perhaps it might be well to substitute for the words "must after after completion", the words, "may at any time". It will be clear then that the right of inspection applies to all time.

(9) A.E.H.

26.1.98.

(True Copies)

R.S. Govt.

Head Clerk P.W. Sect.

29/1/98

BUILDINGS AND ROADS.
CIVIL WORKS.

Government (1898) of Madras. PUBLIC WORKS.

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G.O., No. 373 W., 15th February 1898.

FEBRUARY.

Private Tanks affecting Railways

Stating, with remarks, that the Revenue Board's interpretation of G.O., No. 501 W., dated 10th February 1896, on the subject of the maintenance of —, is correct.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

READ—the following papers:—

Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), No. 636, dated 24th September 1897.

Resolution—No. 636, dated 24th September 1897.

With reference to the instructions given in paragraph 5 of G.O., No. 501 W., dated 10th February 1896, the Board begs to enquire whether it is right in informing Collectors that the doubt referred to in paragraph 4 of the Government Order does not relate to owners of private tanks who are holders of lands under ryotwari settlement.

2. Section 2 of Madras Act IV of 1886 declares that the term land-holders in that Act "shall not include holders of lands under ryotwari settlement," and the provisions of sections 4, 11 and 14 of the Act have, therefore, clearly no application to the owners of private tanks who are not land-holders within the meaning of the Act.

Private tanks in ryotwari lands belonging to Government ryots, do not come within the scope of the Act at all.

3. The Board, therefore, understands that the term private tanks in paragraph 4 of the Government Order, was intended to refer exclusively to the tanks of zemindars, shrotriendars, jagirdars, inamdars and all persons farming the land revenue under Government, and that the doubt expressed was as to whether a suit under the Act against one of these could be carried to a successful issue. Two Collectors have understood the Government Order as directing that a trial suit should be brought to ascertain whether or not the provisions of the Act can be rendered operative against owners of private tanks who are Government ryots. One of them reports that steps will be taken under the Act, and the other asks instructions as to how he should proceed. Before declaring them to have misinterpreted the Government Order, the Board deems this reference desirable.

.(True Extract.)

(Signed) R. V. SRINIVASIAH,
Secretary.

Mis. No. 5333, Revenue.

Transferred to the Public Works Department.

12th October 1897.

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

From the Chief Engineer for Irrigation, dated 19th November 1897, No. 335.

" " " " 22nd " " " 340.

ORDER—No. 373 W., dated 15th February 1898.

The Revenue Board's interpretation of G.O., No. 501 W., dated 10th February 1896, is correct.

2. If, however, a ryot is also a "land-holder" under the Act, and has a tank on land held by him as such "land-holder," not as a ryot, the Act would apply to him *quâ* such "landholder," with respect to such tank.

(True Extract.)

S. Srinivas
Under Secretary to Government.

To the Revenue Department,
with copies of notes by H.E. the Governor and the Hon'ble Member,
and of note by the Chief Engineer for Irrigation,
No. 340, dated 22nd November 1897.

" the Chief Engineer for Irrigation.
" the Consulting Engineer for Railways.
" Superintending Engineers.

20 - per

End. T. K. Narayana Aiyangar.

Prop. P.W.D. No. 373 W (Cdo. 1939)
15-2-98

20 Secretary

The question raised in the notes forwarded with the current read alone is how a holder of land under ryotwari settlement may be made to repair any private tank of his which may affect a railway line.

2. Recourse cannot be had to the Railway Protection Act, 1886, (Madras) which excludes "holders of lands under ryotwari settlement" from the definition of landholders. The Hon. Sir Henry Pollock pointed out that the case might be dealt with under the Board's S.O. No. 8, and that under para 6 thereof, the exemption of the Ayacut from payment of water-rate might be withdrawn. But as observed by H.C. this para contemplates plates

Sec. 2

Note numbered 4

Note numbered 5, filed with the current.

C25/4/98

plates a single inspection
of a newly constructed
tank soon after com-
pletion and does not
give power to inspect it
at other times and to require
its owner to put it into
a state of repair. H. &
therefore suggested that
the S.O. might be amended
by substituting for the
words "must after com-
pletion" in the first line
of para 6, the words "may
at any time".

3. The objection to
this amendment is that
the inspection of a newly
constructed tank which
is now compulsory on its
completion, will cease to
be so. It will be obviated
if the words "may at any
time" be inserted after the
words "after completion",
and the sentence ^{made to} will then
run as follows:—

All private tanks
must

This is of course
what H. & meant
S/L

must after completion,
and may at any time be
inspected". The addition
read with the word
'completion' may possibly
mean 'at any time during
their construction'. It
is submitted therefore that
a new para may be added
as follows:—

Para 7. "The Collector
"may, at any time, cause
"any tank constructed
"in accordance with these
"provisions to be inspected
"by an officer of the P. W.
"Dept, and may carry out
"any recommendations
"which such officer may
"make in the manner
"laid down in para 6".

KD
24/4/98

He may ask the
Board if they see any
objection to the addition of
the para. proposed.

Yes
JG
27/4/98

S. P. [Signature]

To Secy

Please see a draft order on the back of

The Curran.

KD

28/4/98

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examined

signed

189

AIN G.O., No.

DATED

189

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must

shall
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