

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 3986

DATED 6th Octr. 1898

[Despatch Abstract.]

Recording P.M. commg. go accepting
an amendment to Paragraph 6 of
Standing Order No 8 regarding the private
construction of tanks by ryots.

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 DEPARTMENT.

1898.

Board of Revenue

(Revenue Settlement, Land Records and Agriculture),

MADRAS.

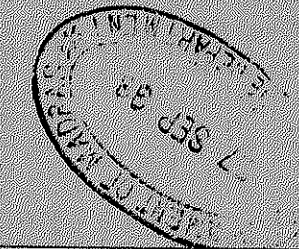
Recd. 27 Sept

Regd. 27 Sept

1898.

Enclosures

Spare copies



Printed September th.

Proceedings, No. 333, 8th September 1898.

G.O. No. 3986 of 6th Oct. 1898

Recorded.

SEPTEMBER.

RS 3-10-98

1/10/98

Wm

To the B^d of Rev (Rev. Sett).

1898. 11-10-98

Private tanks.—Communicating G.O., accepting an amendment to paragraph 6 of Standing Order No. 8 regarding the private construction of tanks by ryots.

Note The amendment accepted in G.O. 4758 of 26-8-98 has been correctly carried out by the B^d.

Conc't the B.S.O. in this office

1-10-98

PROCEEDINGS OF THE BOARD OF REVENUE
(REVENUE SETTLEMENT, LAND RECORDS AND AGRICULTURE).

Read—the following G.O., No. 475, Revenue, dated 25th August 1898:—

Read—the following Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), No. 199, dated 7th June 1898:—

Read—the following G.O., Mis. No. 1916, Revenue, dated 2nd May 1898:—

Read—the following G.O., No. 373 W., dated 15th February 1898:—

Read—the following 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 "land-holder," with respect to such tank.

(True Extract.)

(Signed) W. B. DEWINTON,
Ag. 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.

Order—Mis. No. 1916, Revenue, dated 2nd May 1898.

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 a private tank in his land, which may affect the railway line. The Board of Revenue is requested to state whether it sees any objection to the addition to Standing Order No. 8 (Revised Edition) of a paragraph on the following lines:—"Paragraph 7. The Collector may, at any time, cause any tank constructed in accordance with these provisions to be inspected by an officer of the Public Works Department, and may carry out any recommendation which such officer may make in the manner laid down in paragraph 6."

(True Extract.)

(Signed) S. G. ROBERTS,
for Ag. Secretary to Government.

To the Board of Revenue (Revenue Settlement,
Land Records and Agriculture).]

Resolution—No. 199, dated 7th June 1898.

Board's Proceedings, No. 636, dated 24th September 1897, and the Government Order in the Public Works Department thereon will be communicated to the Collectors of all districts, except Malabar, South Canara and the Nilgiris, for information, in continuation of B.P., Mis. No. 1144, dated 6th March 1896.

2. With reference to paragraph 2 of the G.O. (Revenue), the Board does not understand how the proposed addition to Standing Order No. 8 would have the desired effect of enabling a Collector to compel a "holder of land under ryotwar settlement" to repair a tank in his said land.

3. If it be considered that paragraph 6 of the Standing Order provides for only one inspection, after completion, the effect of the proposed new paragraph 7 may

4 BOARD OF REVENUE (REV. SETT., L. RDS. AND AGRI.), No. 333, 8TH SEPT. 1898.

perhaps be equally well, and more easily, secured by inserting the words "and whenever such inspection may appear necessary" between the words "completion" and "be inspected" in the first line of paragraph 6 of the Standing Order.

This alteration would remove a possible doubt, but the wording of paragraph 6 as it stands would not seem necessarily to restrict the Public Works officer either as to the time or number of his inspections.

4. The proposed new paragraph 7 appears, however, to be harmless if Government prefers it. It would not of course confer on the Collector any legal power which he does not already possess.

(True Copy and Extract.)

(Signed) R. V. SRINIVASIAH,
Secretary.

To the Collectors of all districts, except Malabar, South Canara
and the Nilgiris (Divisional-officers and Tahsildars).
" Secretary to Government, Revenue Department.

Order—No. 475, Revenue, dated 25th August 1898.

Miscellaneous.

The Government accepts the amendment suggested in paragraph 3 of the Proceedings read above.

(True Extract.)

(Signed) G. S. FORBES,
Secretary to Government.

To the Board of Revenue (Revenue Settlement,
Land Records and Agriculture).

RESOLUTION—No. 333, dated 8th September 1898.

Communicated to the Collectors of all districts, except Malabar, South Canara and the Nilgiris.

2. The opening sentence of paragraph 6 of Standing Order, No. 8 (Revised Edition) will be amended as follows:—

"All private tanks must, after completion, and whenever such inspection may appear necessary, be inspected by an officer of the Public Works Department; and, if such officer, after inspection, shall declare that any tank requires to be strengthened in its bund, or to have a new or larger calingulah, or otherwise to be made more secure, the improvements so pronounced necessary for its safety must be executed by its owner or owners."

(True Copies and Extract.)

Dy. Dir., L. Rds. and Agri.

To the Collectors of all districts, except Malabar,
South Canara and the Nilgiris (Divisional-officers—Tahs.).

Copy to the Board of Revenue (Land Revenue) for issue of the necessary correction slips.
" Secretary to Government, Revenue Department.

Encl. P. Seejharan.

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.

189

DATED

GOVERNMENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DETAIL

PAPERS NOT FILLED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL.

N.B.—

A = Copy in full
B = Not to be copied
P = Copy abstract only
Q = Copy heading only