8,000—17-12-98.

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 390

DATED 26th January 99

[Despatch Abstract.]

Agreeing generally with the views expressed by the Board of Rev: re: the disposal of lankas and river accretions in the Kistna Dt— and expressing the opinion that the leases of these lands should continue to be sold annually.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
CN 2439/01							

REVENUE DEPARTMENT.

~~Marine~~ Revenue (189 8) Department.

CURRENT No. 8413

From Board of Revenue
Land Revenue

Order

No. 314

Dated 22-11-98.

Received 9 DEC 98

Registered 3

Enclosures —

Spare copies

SUBJECT.

Expressing the Board's views on certain questions raised by the Collectors of Kistna re: the Disposal of Lanchas and their accretions in the Kistna Dt.

BACK PAPERS.

No.	Date.

FORM.

No.	Date.

REVENUE DEPARTMENT.

1898.

Board of Revenue

(Land Revenue),

MADRAS.

Printed December th.

Proceedings, No. 314, 22nd November 1898.

NOVEMBER.

Expressing the Board's views on certain questions raised by the Collector of Kistna regarding the disposal of lankas and river accretions in the Kistna district.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—the following letter from R. MORRIS, Esq., Acting Collector of Kistna, to the Secretary to the Commissioners of Land Revenue, dated Masulipatam, 6th September 1898, Ref. on C. No. 3155-Gl. of 1898 :—

I have the honour to request that you will be good enough to communicate to me the orders, if any, passed by the Board on Mr. Atkinson's letter, Disposal No. 5115-Ver. of 1895, dated 13th December 1895, enclosing a copy of his letter, Disposal No. 5114-Ver. of 1895, dated 13th December 1895, to the Conservator of the Kistna River regarding the disposal of accretions and lankas for cultivation. No orders appear to have been received in this office.

2. The instructions given by Mr. Atkinson in his letter to the Conservator are being acted on. All lankas are leased out annually by auction sale and the amounts so realized credited to the Public Works Department, cesses alone being levied in the Revenue Department. No assessment is levied the highest bid being taken as the annual assessment.

3. From the enclosed sale notice, it appears that the same practice obtains in the Gódávari district also. But in that district lankas formed the subject of special leases.

4. I enclose copies of my letter to the Executive Engineer, Kistna Western Division, and his reply on the subject.

5. The Madras River Conservancy Act (VI of 1884) does not vest in the Conservator the land defined as river-bed under section 7 of the Act. No rules have been published under section 22 vesting the land defined as river-bed in the Conservancy department, and I am not aware of any orders transferring from the Revenue to the Conservancy department porambokes and unoccupied lands in the river-bed. The Act simply lays down that land in the river-bed not cultivated for two years, whether patta, zamindari, inam, waste or poramboke may not be cultivated without permission from the Conservator and that no fresh accretion in the demarcated river-bed shall be cultivated without his permission. These new accretions may be either private or Government property. The Act does not deal with ownership or disposal of lands in the bed of the river. Under the Board's Standing Order No. 30, paragraph 2 (XI), "lanka lands not held on patta and river accretions and reformed lands for which their former owners have ceased to pay assessment are at the disposal of the Government and should be sold by auction *subject to the payment of such assessment as may be imposed by the Settlement Department*" and are at the disposal of the Revenue department. But the persons to whom these lands may be granted by the Revenue department cannot commence cultivation without the permission of the Conservator under section 11 of the Act. The permission may more conveniently be obtained before assignment of the lands so as to avoid complications afterwards.

6. The Conservator has no power to sell or lease out the lands in the bed of the river, his authority being confined to stopping cultivation, &c., or to removing any trees, buildings, &c., if such cultivation, constructions, &c., tend to obstruct or divert the course of the river. There is, however, no objection to the Conservator selling lankas and accretions that are at the disposal of Government *as Agent to the Collector*, if the Conservator can conveniently do so, but the sale should be subject to the payment of assessment at settlement rates. What he has been doing and allowed to do is to sell the lands *every year* by auction, the sale amount being considered the assessment on the lands sold. The cultivators are thus made to pay a good deal more than the ordinary assessment and cesses thereon, which alone can be levied under the rules in force. The revenue thus realized is credited to the Conservancy fund and not to land revenue, as it should have been, in the absence of any orders of Government transferring the lands or the revenue thereon to the Conservancy department.

7. Mr. Lewis, the Executive Engineer, says that the present system of selling lands by auction every year is "the most practical way of levying the revenue and has so far worked very well and obtained a considerable revenue for Government which was lost hitherto owing to the slackness of the village officers." The system is entirely at variance with the rules which require that no more than the settlement rates should be levied on any lands though in the case of lankas and other valuable lands the occupancy right should be sold once for all by auction. This rule has been disregarded. The increase of revenue referred to by the Conservator is due to selling lands *every* year and not to neglect on the part of any Revenue officials.

8. There is no reason why the Revenue officers should not dispose of the lands under Board's Standing Order No. 30, paragraph 2 (xi), *with the previous consent of the Conservator*. The responsibility of the taluk and village officials to see that occupation of all lands vested in the Revenue Department is brought to account does not cease unless the lands are entirely taken away from their control as in the case of forest lands. The cesses should be levied by the Revenue Department in any case. There is thus no saving of labour to the Revenue officials by the Conservator leasing out lankas annually. The double control is vexatious to the ryot who has to pay the lease amount to the Conservator and the cesses to the village officers.

9. I therefore request that the Board will be pleased to favour me with clear instructions as to whether

(1) there should be an annual sale of the right to occupy for that year only lankas and accretions in the Kistna river as is now done, or each plot should be sold once for all,

(2) if the latter, they should be sold subject to payment of taram assessment,

(3) the disposal rests with the Revenue Department or the Conservator,

(4) the revenue on these lands should be credited to the land revenue or Conservancy department.

ENCLOSURE No. 1.

From the Collector of Kistna, to the Executive Engineer, Kistna Western Division, dated 29th June 1898, Ref. No. 3155, General :—

Referring to your letter Mis. No. 78, dated the 19th April 1898, I have the honour to enquire whether any rules were published under section 22 of Act VI of 1884 vesting in the River Conservator the *land* defined as river-bed and whether there has been any formal transfer of such of it as is Government property to you.

2. All that the Act does say is that land in the river-bed not cultivated for two years, whether patta, inam, waste, or poramboke, may not be cultivated without permission from the Conservator and that no fresh accretion in the demarcated river-bed shall be cultivated without permission.

3. It has come to my notice that you have been leasing out lands in the Kistna river-bed. I do not think that you have any authority to do so except in respect of such lands as have been formally transferred to you. The course that seems to me should be adopted is for would-be cultivators to apply for land to the Revenue authorities in the first instance, and, if the land is granted to them, then to apply to you for permission to cultivate, and this permission you are of course free to accord or to refuse. Such a course would greatly facilitate the collection of the cesses upon such lands. If you prefer it, however, I could instruct officers receiving darkhasts for such lands to consult you as to whether or not you would accord permission to cultivate, before disposing of the darkhasts, and this might save eventual disappointment to applicants.

4. I should be obliged by an early reply.

ENCLOSURE No. 2.

From the Executive Engineer, Kistna Western Division, to the Collector of Kistna, dated 18th July 1898, No. 507-M.

I have the honour to refer you to your No. 5114 of 13th December 1895.

2. You are quite right in your reading of the Act. It confers no powers on the Conservator to sell all accretions, but it was arranged between Messrs. Atkinson and Maletas the most practicable way of levying the revenue and has so far worked very well and obtained a considerable revenue for Government, which was lost hitherto owing to the slackness of the village officers.

RESOLUTION—No. 314, dated 22nd November 1898.

In his letter read above, the Collector of Kistna asks for instructions on the following points :—

(*a*) Whether the occupancy right in lankas and river accretions should be sold by auction annually, as is now being done, or once for all subject to the payment of fixed annual assessment.

(*b*) Whether the disposal of the lands in question should vest in the Revenue department or in the River Conservator (*i.e.*, the Executive Engineer).

(*c*) Whether the revenue derived from the lands should be credited to "Land Revenue" or to the River Conservancy department.

2. As regards (*a*) the Board observes that paragraph 2 (xi) of Standing Order No. 30 is based on Government Order, No. 933, dated 24th October 1893. When this order was passed, however, the main question under consideration was whether lands of the kind should be given on patta under the darkhast rules or should be treated as being at the absolute disposal of Government and sold by auction. The latter course was decided upon by Government but the question whether the occupancy right in the lands should be sold once for all or only for a limited period was not then specifically raised or discussed, although the Board recommended that the lands should be subject to the payment of such assessment as might be fixed by the Settlement Department. As the extent and the soil of these lands varies from year to year, the proper course clearly is to lease them out by auction for short periods of from one to five years as in the case of the lankas in the Gódávari district. Experience in the latter district shows that this system brings in considerably more revenue than the levy of a fixed assessment and it is obviously preferable as offering a ready means of adapting the Government demand to the productive value of the land which as already noted varies from year to year and could not be satisfactorily represented by a fixed assessment.

3. With regard to point (*b*) the Board considers that all accretions and lankas, except those which in the opinion of the Public Works Department cannot be given out for cultivation or grazing without prejudice to the conservation of the river, should be sold by the Revenue officers by auction, the previous consent of the Conservator being obtained with reference to section 11 of the Madras River Conservancy Act (VI of 1884). Revenue officers are, in a much better position to know whether a lease amount is high enough to make the confirmation of the sale desirable, and they alone can take steps for the recovery of it under the Revenue Recovery Act.

4. As regards question (*c*) the Board considers that the sums realized from the sale of the leases of the lands should clearly be credited to "Land Revenue", but the matter is not of much importance.

5. With reference to the enquiry made in paragraph 1 of the letter read above, as to what orders were passed on Mr. Atkinson's letter, Dis. No. 5115-Ver., dated 13th December 1895, Mr. Morris will be informed that the letter referred to was recorded by the Board in its Proceedings, No. 6392, dated 23rd December 1895.

(True Copies and Extract.) Lorel Davidson

Acting Secretary.

To the Collector of Kistna.
" Secretary to Government, Revenue Department.

Exd. P. Seetharam.

8-4-97.

REVENUE DEPARTMENT.

C No. 8413

From the Board of Rev. & R

No 314 Dated 22-11-97 1898.

FOR ORDERS.

To the Undersecretary.

The views expressed by the Board of Revenue appear to be correct. It is submitted that the B. P. may be referred to the P. W. D. for remarks. The Kistna river was notified under sec VI of 1884 (MR) in vide P. W. Notifications of 29th May and 12th Nov. 1894 at pp. 701 & 1338 of Part I of the Fort St George Gazette 1894.

13.12.98
RS
15-12-98

Secy

The remarks of the P.W.D may be first invited

16/12/98

The views of the Board seem correct with regard to the period of the leases I think from Evidence (Question 125) (See Rep 90. 125 dtd 11 March 1898) the Conservator will be practically debarred from doing anything to improve the river around the lankas during the continuance of the lease and that further reason the shorter the period of the lease the better.

10-1-99

Forms

Please see draft below

RS
16-1-99

Secy
17/1/99

FOR ORDERS.

Read B.P. No 314 of 22-11-98.

(Encl 8413).

The question raised by the Coll.r is whether the leases should be annual or permanent -

The Board says that the leases should be for short periods of from one to five years -

I dont understand what view the draft Order is intended to enunciate -?

~~I would say~~

In para 3 of the B.P. the Board directs that certain lands should be "sold by auction" - I suppose the Board means that the lease should be put up to auction ?

If I remember right it was found that local cesses could not be charged on the lease amounts, Sh. in the aggregate are very considerable - might it not be made a condition in the annual leases, that the lessees shd. pay local cesses on the amount of the rent; or how can they be made to pay ?

I wd. say distinctly the leases shd continue to be annual for the reasons given in the draft

HWS -

20-1-99 -

Order nisi

The Govt agrees with the views expressed by the Board of Revenue. The Collector should however note that ~~Government do not~~ the Govt. of Madras will practically be unable to ~~do anything to~~ may be hampered in carrying out improvements to the river around the banks during the continuance of the ~~leases~~ ~~periods~~ it is ~~specially~~ very desirable ~~that attention should be taken that~~ that the leases should ~~the lease is limited to~~ be for short periods ~~short periods~~.

HWS
17.1.99 S.V.P. 18/1/99

To the Board of Rev: L.R.
" P.W. Dept (3)

Draft 30.1.99

HWS
13-1-99
RS
16-1-99

To R.S.

Please see H.M's rem
on the margin of the draft about

2. Portion marked A. The draft was intended to endorse the Board's views generally, and to lay special stress on the desirability of having the leases for short periods, as proposed by the Board: of from one to five yrs
Please see revised draft acc. to Hutton

3. Portion marked B. The Board apparently means that the lease should be sold by auction

4. Portion marked C. As regards the difficulty of charging village cess on the lease amount please see the notes under G.O. 2945, 15-7-98, in which the Govt sanctioned the defence of 14 suits on the file of the Dt. Munsif of Rajahmundry instituted by certain lessees of toddy shops in Godavari for the recovery of village cess levied on their lease amount. It was suggested in the notes that if the cesses were to be made payable by the lessees, best may of impo

Secretary's note at page 16 of the notes under the above G.O.

viriety would be by
ecial clause as in the
malai leases, and that
e suits may be compromised
-mas, however, decided that
'e suits should be contested
nd that, if the Govt lost, the
(act IV of 1893 Madras)
nd should be altered so bring
nto accord with what was
the intention of its framers. The
the
esult of suits is not ~~sake~~ known
whether they have been decided
t all. In t.o $\frac{4661}{28-11-98}$ certain records
e forwarded to the Rajahmundry
istrict Munsiff's Court in compliance
ith a Summons in connexion with
e of the suits & nothing more has
en heard. It is presumed that
e result of the suits will be
mailed before any action is
ken.

A revised draft order is sub-
itted for approval.

Lucy
24-1-99

The revised draft
Dft
26/1/99

To. Cis
Please see draft tlr
for approval
WS
26-1-99
RS
26-1-99

Dft tel order
26-1-99

Read B. P. No. 314 dy 22-11-98
(C. No. 8413 of 1898)

Order mis No. 390 D 26th Jan 1899.

The Govt agrees generally
with the views enfressed by the
Board of Rev, but is of opinion that
the leases of the lankas and river
accretions should continue to be
sold annually. The River Conser-
vator's power to carry out improvements
~~confradictly do nothing~~
to ~~inform~~ the river around the
lankas during the continuance
is much restricted
of the leases and for this reason
it is desirable that
~~the shorter~~ the period of the
lease ~~the better~~ should be short.

Mlle
24/1/99
Dft
26/1/99

To Board (L. R.) } Dfts
To PWD (I) } 30-1-99.

RS
23-1-99

Deferred

Telegram dated 26.1.99

Telegram

To the Collector of Godavari.

Reference Order 2945 dated 15 last. Have suits been decided. If so (with) what result

RS
26-1-99

26.1.99

Mr