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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 393	Press
172-173	Mis.
Dated 8-2-	1864.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
8th February 1864.*

No. 172. Read the following Proceedings of the Board of Revenue, dated 14th January 1864,
No. 227 :—

Read the following letter from the Collector of Nellore, to the Secretary to Government, Public
Works Department, dated 21st December 1863, No. 35.

1. The Board of Revenue under date the 21st September 1859, circulated certain Rules that had been prepared by the Chief Engineer for the *guidance of Revenue and Village Officers* as regards the protection of works of irrigation.
2. The Rules provided that all calingulahs or escapes should be cleared before the 15th October, ring-bunds should be formed by village labour when a tank is breached, and Tahsildars should report to Collectors all cases of neglect of ordinary measures for the safety of tanks, and warn the people that no claims for remission would in such cases meet with attention, &c.
3. The Rules were published in the District Gazette of the 7th October 1859, and from that date have been enforced.
4. This year, the last week in October, I observed the Nellore Ryots had closed the escape of this tank. In accordance to orders I made them clear it ; and the Board in their Proceedings of the 14th instant, No. 7,879, having ruled that I have put a wrong construction on the Circular, I have the honor to request that you will be so good as to submit for the orders of Government, whether I could construe it otherwise.
5. " The Board do not understand from the papers communicated to them that any question of supply for Revenue purposes is at issue." I need scarcely add, in clearing an escape, that in this respect they are correct. But when the Board go on to observe that the point for the decision of Government is, whether the Engineer or myself is the more competent judge in a professional matter, I beg to dissent. I submit that this is not the question. Such a question has never been mooted by me either in the correspondence now referred to or elsewhere ; and the question for decision is, would I have been justified in allowing the escape to be closed before the month was out, when the orders received through the Board's own Office expressly ruled that all tank escapes should be cleared by the 15th of October, I presume all will admit, *for the monsoon.*
6. The question which raised the correspondence was whether it was necessary for me to give intimation to the Officer in charge of the tank and Anicut irrigation of the orders I had issued. Whether it was necessary for me to tell him I was carrying out orders. I am of opinion it was not. He was on the spot and should in fact have told me, brought, to my notice as Collector, that the Ryots were disobeying a positive order of Government ; whilst, if I had countenanced such disobedience of orders, if I had allowed the escape to be closed, and the tank had breached, I beg to submit for consideration whether I should not have been held and justly held responsible for the result.
7. I was thinking of sending the correspondence now submitted by the Board for the consideration of Government, as showing, in the opinion of the professional Officer on the spot, how closely this fine Nellore tank and Anicut irrigation are connected. The Vávilétipad tank, referred to in the Assistant Engineer's letter of the 20th October, is fed by the first section of the Krishnapatam Canal, and, itself an Inam reservoir, is the channel of communication with a fine sheet of more profitable irrigation below ; and in connection with the question of whether the results of Anicut irrigation can properly be estimated without including the Nellore tank in the calculations, I beg you will be so good, now the correspondence has been submitted, as to bring it forward as evidence that will justly have peculiar weight.

*Proceedings of the Madras Government, Public Works Department,
8th February 1864.*

Submitted for the consideration and orders of the Board.
(True Copy.)

(Signed) J. W. B. DYKES, Collector.

To the Secretary to the Board of Revenue, Madras.

1. The Board presume that in submitting for the consideration and orders of the Board copy of his letter to Government, Mr. Dykes desires to draw their attention to the fact stated in connection with the question of how far the Nellore tank forms part of the Anicut scheme of works.

2. The Board see no reason to modify their former view, which is, that if the supply from the Nellore tank has not been improved by the construction of the Anicut works (which they believe it certainly cannot have been) then the tank and its revenues should be excluded for the account of cost and returns relating to the Anicut works. The existence of the connection between the Tank and the area of cultivation which is fully dependant on the Anicut supply, does not, in the Board's opinion, affect the question. The former average cultivation (the excess beyond which since the completion of the Anicut may be ascribed to *that* work) will represent the effect of the original supply from this and other tanks formerly existing.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, Secretary.

No. 173.

ORDER THEREON, 8th February 1864, No. 393.

Recorded, with reference to the orders mentioned below :—

No. 82, 9th January 1864.

179 18th

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

Exd. S. T. Augustin.

No. 227.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th January 1864.

Read the following letter from the Collector of Nellore, to the Secretary to Government,
P. W. D., dated 21st December 1863, No. 35 :—

1. The Board of Revenue under date the 21st September 1859, circulated certain Rules that had been prepared by the Chief Engineer for the *guidance* of Revenue and Village Officers as regards the protection of works of Irrigation.

2. The Rules provided that all Calingulahs or escapes should be cleared before the 15th October, ring-bunds should be formed by village labour when a tank is breached, and Tahsildars should report to Collectors all cases of neglect of ordinary measures for the safety of tanks, and warn the people that no claims for remission would in such cases meet with attention, &c.

3. The Rules were published in the District Gazette of the 7th October 1859, and from that date had been enforced.

4. This year, the last week in October, I observed the Nellore Ryots had closed the escape of this tank. In accordance to orders I made them clear it; and the Board in their Proceedings of the 14th instant, No. 7,879, having ruled that I have put a wrong construction on the Circular, I have the honor to request that you will be so good as to submit for the orders of Government, whether I could construe it otherwise.

5. "The Board do not understand from the papers communicated to them that any question of supply for Revenue purposes is at issue." I need scarcely add, in clearing an escape, that in this respect they are correct. But when the Board go on to observe that the point for the decision of Government is, whether the Engineer or myself is the more competent judge in a professional matter, I beg to dissent. I submit that this is not the question. Such a question has never been mooted by me either in the correspondence now referred to or elsewhere; and the question for decision is, would I have been justified in allowing the escape to be closed before the month was out, when ~~the~~ orders received through the Board's own Office expressly ruled that all tank escapes should be cleared by the 15th of October. I presume all will admit, for the monsoon.

6. The question which raised the correspondence was whether it was necessary for me to give intimation to the Officer in charge of the Tank and Anicut Irrigation of the orders I had issued. Whether it was necessary for me to tell him I was carrying out orders. I am of opinion it was not. He was on the spot and should in fact have told me, brought to my notice as Collector, that the Ryots were disobeying a positive Order of Government; whilst, if I had countenanced such disobedience of Orders, if I had allowed the escape to be closed, and the tank had breached, I beg to submit for consideration whether I should not have been held and justly held responsible for the result.

7. I was thinking of sending the correspondence now submitted by the Board for the consideration of Government, as showing, in the opinion of the professional Officer on the spot, how closely this fine Nellore Tank and Anicut irrigation are connected. The Yaviletipad tank referred to in the Assistant Engineer's letter of the 20th October is fed by the first section of the Krishnapatam Canal, and, itself an Inam reservoir, is the channel of communication with a fine sheet of more profitable irrigation below; and in connection with the question of whether the results of Anicut irrigation can properly be estimated without including the Nellore tank in the calculations, I beg you will be so good, now the correspondence has been submitted, as to bring it forward as evidence that will justly have peculiar weight.

Submitted for the consideration and orders of the Board.

(True Copy.)

(Signed) J. W. B. DYKES, Collector.

To the Secretary to the Board of Revenue, Madras.

The Board presume that in submitting for the consideration and orders of the Board copy of his letter to Government, Mr. Dykes desires to draw their attention to the fact stated in copy

2. The Board see no reason to modify their former view, which is, that if the supply from the Nellore Tank has not been improved by the construction of the Anicut works (which they believe it certainly cannot have been) then the Tank and its revenues should be excluded for the account of cost and returns relating to the Anicut works. The existence of the connection between the Tank and the area of cultivation which is fully dependant on the Anicut supply, does not, in the Board's opinion, affect the question. The former average cultivation (the excess beyond which since the completion of the Anicut may be ascribed to *that* work) will represent the effect of the original supply from this and other Tanks formerly existing.

Chas. A. Smith

Secretary.

Exd. J. Wright.

E. J. McGraw 1864 *A. J. McGraw*

} 19/8 1858
 } 19/8 1858
 } 19/8 1858

82-97 January 1864
172-187

393
Recorded with
mentioned before.

Dated 14th January 1864.

No. 227

1864. Department.
Chgo. of Govt for delivery
1259
 No.

PROCEEDINGS OF THE BOARD OF REVENUE

Observing that if the supply from the Nellore Tank has not been improved by the construction of the Anicut works then the Tank and its revenues should be excluded from the account of cost and returns relating to the Anicut works.

o 87-398-8-599
with an order.