M.R.O. 1—77,006—8-6-37.

(1) Number of pages 12

(2) Date of repair 25-9-42

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 1425 Press / Mis.

370-371

Dated 17-5- 1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 17th May 1864.

No. 370. Read the following letter from Lieutenant-Colonel J. C. ANDERSON, R. E., Superintending Engineer, 2nd Division, to Colonel C. A. ORR, R. E., Secretary to Government Department Public Works, dated Masulipatam, 18th April 1864, No. 89 :—

SIR,

1. I have the honor to report that an application was made by the late District Engineer to the Collector of Nellore for the recovery of the small sum of Rupees 3-7-0, which had been expended in securing the breach of an Irrigation Tank, and that the Collector, in reply to a letter I have addressed him to the same effect, has informed me* that he knows of no law under which he can recover this sum.

* Copy of Collector's letter No. 79, dated 29th March 1864, enclosed.

2. The duty of enforcing the performance of petty repairs to irrigation works was thrown on the village authorities by Order of Government in paragraph 25, Chapter XI, New Code; and the late Chief Engineer† in reminding District Engineers of the necessity of attending to the rules therein promulgated, informed them that "as a general rule 20 to 25 Rupees should be held as the minimum amount for which earth repairs should be executed by Government," and that Government had refused to sanction Bills for such small works "which should have been executed by the village authorities or *their value recovered from them.*"

† Circular No. CXXXI, dated 26th December 1860.

3. In the Circular in question the District Engineers were referred to the instructions conveyed in the Order of Government dated the 20th July 1859, No. 1,747,‡ but on reference to that Order I do not find it supports the expression which I have under-lined, but on the contrary it is expressly mentioned in paragraph 1 that the Board of Revenue§ had ruled that sums expended by the District Engineer on petty works could not be recovered from the villagers.

‡ Chief Engineer. Circular No. LXII, 27th July 1859.

§ Proceedings No. 1,997, dated 2nd June 1859.
Chief Engineer, Circular No. XXIV, 9th June 1859.

4. In the case I have mentioned the amount of the expenditure incurred is so small that it may be considered immaterial whether the Collector recovers the amount or not, but the principle involved by his refusal to recover it is of some importance; and unless the Collector has power to enforce the payment incurred in like cases, the Order of Government forming paragraph 25, Chapter XI of the Code must become a dead letter, as the only means of getting such petty works done is by having them estimated for and carried out by the Officer of the Department Public Works in the first instance.

5. The Ryots, because they have not been accustomed to the practice, will neglect to do the work, and as in many cases the work ought to be done at once, the Department must take it up, or request the Revenue authorities to interfere, and if the latter course is pursued, it would seem to be practically immaterial, so far as the compulsion employed is concerned, whether they oblige the people to carry out the repair at their own expense, or whether they employ the labour, pay for it, and recover the amount paid from the people.

6. It is, I think, most desirable that the rules promulgated in the Code should be strictly enforced, and that the payment incurred by the Department Public Works, on petty repairs not exceeding the estimated cost of Rupees 25, should be recovered from the Ryots. It would only be for a time that departmental agency would be necessary, the Ryots would soon find it preferable to do the work themselves, for the simple reason that they could do it cheaper. But of course, if they see that the Collector cannot recover from them, the smallest sum which may be expended by the Executive Officers in doing their work, they will use their best endeavours to oblige him to do it.

Proceedings of the Madras Government, Public Works Department,
17th May 1864.

No. 371. ORDER THEREON, 17th May 1864, No. 1,425.

Ordered to lie over, pending the receipt from the Board of Revenue of the report called for in paragraph 5 of the Proceedings of Government No. 1,599, dated 18th June 1863.

(True Extract.)

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

To the Board of Revenue.
" Superintending Engineer, 2nd Division.

Exd. S. T. Augustin.

No 79

Collr's Office
Kistnapatam
29th March 1864.

From J. W. D. Dykes Esqr
Collector of Nellore

To Lt Col J. C. Anderson R.E.
Supg Engineer 2d Dn

Sir I have the honor to acknowledge the receipt of your letter of the 2nd inst. informing me I know of no laws under which I can recover the money referred to.

2 You will observe the Chief Engineers Circular is silent on this point.

I have &c
(Signd) J. W. D. Dykes
Collector

(True Copy)

J. C. Anderson Lt Col R.E.
Supg Engineer 2d Dn

Supt Engrs Office 2nd Dn
Nellore
No 89 Ramalingapatnam
18th April 1864.

From

Lieut Col J. C. Anderson R.E.
Supt Engineer 2nd Dn

To

Colonel C. A. Orr R.E.
Secretary to Government
M. P. W.

Sir

I have the honor to report that an application was made by the late Divl Engineer to the Collector Nellore for the recovery of the small sum of Rs 3-7-- which had been expended in securing the breach of an Irrigation Tank, and that the Collector, in reply to a letter I have addressed him to the same effect, has informed me* that he knows of no law under which he can recover this sum.

2nd The duty of enforcing the performance of petty repairs to Irrigation works was thrown on the Village authorities by the order of Government

*Copy of Collectors letter No 79 dated 29th March 64. enclosed.

Enclosure in a letter from the Supt Engr 2nd Dn to the Secretary to Govt No 89 dated 18th April 1864

Dated 31st March 64

No 89

Supt Gen's Office
Quartermaster's
18th April 1864.

Sir

From Lieut Col C. Shureman D.Q.M.
Supt Gen's Office

To Lieut Col. Ord D.Q.M.
Secretary to Government
&c &c &c

Sir

I have the honor to request that an application was made by the late Divisional Engineer to the Collector of Malda for the recovery of the annual sum of Rs 3-7-- which had been withheld in deducting the income tax on an Orijatia Dam, and that the Collector in reply to a letter I addressed him to the same effect has informed me that he cannot do so under the enclosed Order.

I am Sir
Your most obedient Servant
D.Q.M.

* Copy of Collr's letter No 19 dated 2d March 1864 enclosed.

= Cover this thus -

2 Copy of Govt Circular No 1831 dated 28th December 1863.

= Income Tax Assessment Act.

= Petition of Ramkanai Mookerjee to Government.

= Petition of Ramkanai Mookerjee to Government.

Authority by the order of Government.

Enclosure in a letter from the Supt Engr & Dy to the Secretary to Govt No 89 dated 18th April 1864

No 1831 / 63.

in para 25 Chapter XI New Code,
and the late Chief Engineer* in re-
minding Dist.t Engineers of the necessity
of attending to the rules therein pro-
mulgated, informed them that "as a
General rule 20 to 25 Rs. should be
held as the minimum amount for
which earth repairs should be executed
by Government" and that Government
had refused to sanction Bills for
such small works" which should
have been executed by the Village authori-
ties or their value recovered from them"

* Circular No CXXXI dated 26 December 1860.

3 In the Arcotam in question
the Dist.t Engineers were referred to
the instructions contained in the order
of Government dated the 20th July 1859
No 1747, but on reference to that order
I do not find it supports the
expressions which I have underlined,
but on the contrary it is expressly men-
tioned in para 1 that the Board of
Revenue* had ruled that sums
expended by the Dist.t Engineer on petty
works could not be recovered from

* C.E. Circular No LXII, 27th July 1859

* Proc: No 1997 of 22 June 1859 C.E. Cir: No XXIV 27 June 1859

the Villagers.

4 In the case I have mentioned
the amount of the expenditure incurred
is so small, that it may be considered
immaterial whether the Collector recovers
the amount or not, but the principle
involved by his refusal to recover
it, is of some importance; and unless
the Collector has power to enforce
the payments incurred in like cases,
the orders of Government forming para
25 Chapter XI of the Code must become
a dead letter, as the only means of getting
such petty works done, is by having
them estimated for and carried out
by the Officer of the Dept.t P.W. in the
first instance.

5 The Ryots, because they have
not been accustomed to the practice,
will neglect to do the work, and as in
many cases the work ought to be done
at once, the Department, must take
it up, in regard to the Revenue Authorities
to interfere; and if the latter course is
pursued, it would seem to be practically
immaterial, so far as the compulsions

in para 25 Chapter XI New Code,
said the late Chief Engineer* in re=
=minding Dist.t Engineers of the necessity
of attending to the rules therein pro=
=mulgated, informed them that "as a
General rule 20 & 25 Rs. should be
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which earth repairs should be executed
by Government" and that Government
had refused to sanction Bills for
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expended by the Dist.t Engineer on petty
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* Circular No CXXXI dated 26 December 1860.

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by the Officer of the Dept.t P.W. in the
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at once, the Department must take
it up, in regard to the Revenue Authorities
to interfere; and if the latter course is
pursued, it would seem to be practically
immaterial, so far as the compulsions

employed is concerned, whether they oblige the people to carry out the repair at their own expense, or whether they employ the labour, pay for it, and recover the amount paid from the people.

6 It is, I think, most desirable that the rules promulgated in the Code should be strictly enforced and that the payments incurred by the Depts P.W. on petty repairs not exceeding the Estimated cost of 25 00 should be recovered from the Ryots. It would only be for a time that Departmental agency would be necessary, the Ryots would soon find it preferable to do the work themselves, for the simple reason that they could do it cheaper. But of course, if they see that the Collector cannot recover from them, the smallest sum which may be expended by the Exe. Officers in doing their work, they will use their best endeavours to oblige him to do it.

I have the honor to be
Sir
Your most Obt Servt

H Anderson Lieut Colo R.E.
Supt Engineer 2nd Dn

L.R.#6

Public Works Department
No. 1425
Proceedings of the Madras Government
9

1 Revenue 210
Engr 2d Dn 3
Dated 18th May

employed is concerned, whether they oblige the people to carry out the repairs at their own expense, or whether they

Ro: 20th July/59 [illegible]

It would be as well for the Govt to take up the question of "Repairs to small Tanks" as alluded to by me in my minute of 8 Inst, and approved by the Committee.

WW

And the Committee proposed by
Coll Greathed
Coll Anderson
Coll Orr

I think that as
public Tanks are
the property of
Government. Mr P
Cotton
has informed
me that he
considers
it one
of
his
duties
to
see
that
the
Tanks
are
kept
in
repair.

No. 370.

Dated 30th April 1864 - Rd 2nd May

Use their best endeavours [illegible]

to avoid.

I have the honor to be
Sir
Your most Obt Servt
H Anderson Lieut Col
Supt Engineer 2nd Q

GKH 6

Exd

Public Works Department

No. 89 Dated Fort St George 3rd May 1864

From The Secretary to Govt
The Supg Engrs

To The Secretary to Govt
P.W.D.

Dated 18 April 1864
Read 28 "
No. 1425

Brings to notice a case in which the rules for the performance of kinds work by Village authorities have not been properly attended to, and pointing out the desirability that the rules in the code on the subject should be strictly enforced and that the payment incurred by the P.W.D. on petty repairs should be recovered from the Ryots.

No. 1425 - 17th May 1864.

Ordered to lie over for ... the receipt from the Board of Revenue of the report called for in para 5 of the Proc: of Govt No 1599 of 18th June 1859.

To
The Board of Revenue
" Supg Engrs 2 Qrs

Fort St. 18th May

Recd

1st V. 1864 Deptt
Rec: of Govt for May
Rs 1425 /
Rec: of the A.G. Govt
Dy 17 May 64

Stating that the payment
incurred by the P.W.D. on
petty repairs not exceeding
the Estimated cost of Rs25
should be recovered by
the Byots ~~to~~.

V: 370. 371