(1) Number of pages 22

(2) Date of repair 19. 4. 44

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 2599-2600 Press / Mis.

3-4-5

Dated 1-11 1870.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 1st November 1870.

No. 3. Read the following letter from the Officiating Deputy Secretary to the Government of India, Public Works Department, (Irrigation,) to the Secretary to the Government of Madras, Public Works Department, dated Simla, 5th September 1870, No. 371 I. :—

With reference to the remarks contained in paragraph 69 of the Administration Report of Public Works in the Madras Presidency for the year 1869-70, regarding an irrigation project from the river Pennair at Sungum in the Nellore District, and to the Proceedings of the Madras Government for June 1870, No. 395, passing orders on estimates submitted by the Madras Irrigation and Canal Company for the construction of a canal from the same river, opening at Somaishweram some miles above Sungum, I am directed to request that the Government of India may be favoured with several copies of the latter Proceedings, and with the views of the Government of Madras on the bearings of the contract with the Company, on the Government project first mentioned.

2. I am at the same time to remark that, if there is any doubt as to the right of Government to appropriate water from the Pennair for the irrigation of tracts of country not at present supplied from that river, it is desirable that the Secretary of State should be informed thereof in view to the interests of Government not being lost sight of when the time may arrive for drawing up a fresh agreement between the Company and the Secretary of State.

No. 4. Order thereon, 1st November 1870, No. 2,599.

IRRIGATION, No. 2.

Ordered that the following letter be sent.

(Here enter No.2,600, dated 1st November 1870.)

(True Extract.)

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

Exd. E. C. Shunker.

PUBLIC WORKS DEPARTMENT,
FORT ST. GEORGE, 1st *November* 1870.

No. 5.

No. 2,600.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

PUBLIC WORKS DEPARTMENT.

IRRIGATION, No. 3.

SIR,—I am directed to acknowledge Colonel Anderson's letter No. 371 I., under date the 5th September 1870, in which, referring to the remarks contained in paragraph 69 of the Administration Report of Public Works in the Madras Presidency for the year 1869-70, and to the Proceedings of this Government, No. 395, of the 30th June last, in which orders were passed on estimates submitted by the Madras Irrigation and Canal Company for the construction by that Company of a canal from the Pennair river in the Nellore District, it is requested that the Government of India may be supplied with several additional copies of those Proceedings and be favoured with the views of the Government of Madras on the bearings of the contract with the Company on the large irrigation project from the same river which the Government have under consideration. Further, it is remarked, that, if there is any doubt of the right of Government to appropriate water from the Pennair for the irrigation of tracts of country not already supplied from that river, the Secretary of State should be addressed in view to the interests of Government not being lost sight of when the time may arrive for drawing up a fresh agreement between the Company and the Secretary of State.

2. In reply, I have the honour to state that twenty spare copies of the Proceedings of this Government for June, No. 395, are herewith forwarded, and I am to invite attention to the accompanying copies of papers, as per margin, from which it will be seen that having in 1864 some expectation of being able to irrigate a considerable tract of land between the Toombudra and the Hindry from a point on the former river near Serrigopa, the Madras Government were led to entertain the doubt of the bearings of the Company's contract which has suggested itself to the Government of India.

Despatch to the Right Honourable the Secretary of State for India, No. 10, dated 10th March 1864.
From do. do. No. 16, dated 31st May 1864.

3. The question was accordingly referred to the Secretary of State, who, it will be observed, in his despatch of the 31st May 1864, No. 16, expressed himself as clearly of opinion that there was nothing in the terms of the contract to interfere with the right of the Government or to preclude the Government from itself undertaking new irrigation operations with the waters of the rivers named in the contract. This would seem to set the matter to rest, but the Secretary of State added that so long as there was no reason to suppose that the Company were occupying the ground to the exclusion of others it would scarcely be consistent with equity to undertake such operations, inasmuch as they might involve interference with those

of the Company or divert water which it is a part of the Company's plan to utilize.

4. Under this opinion there might be some doubt of how far the Government, without raising any question of their right, would be justified in carrying out the project that is under consideration for the irrigation of a large area of land north of the Pennair, by means of a canal led off from that river below Sungum, if there were any prospect whatever of the Company being in a position to take advantage of the privilege their contract confers upon them of extending their operations into the Nellore District, or if it were in contemplation in any way to make use of any other than the natural supply of the Pennair. Should the Company succeed so far in completing the undertaking they have in hand as to be able to discharge Toombudra water from their canal into the Pennair, it will be a question for future consideration to what compensation they may be entitled in the event of the Government utilizing that water by the proposed new works, but there can be none, His Excellency in Council thinks, of their having any exclusive claim to the natural supply of the latter river.

5. As however the Company, in making fresh terms with the Home Government, are not likely to fail to avail themselves of all the advantages the wording of their contract gives them, the Madras Government will address the Secretary of State as suggested by the Government of India.

I have the honour to be,
Sir,
Your most obedient Servant,

Colonel, R. E.,
Secretary to Government.

Exd. E. C. Shunker.

All communications
should be addressed
to the Secretary.

No. 371 I.
Government of India
Public Works Department.
Irrigation

To
The Secretary to the Govt. of Madras
Public Works Department

Simla, 5th September 1870.

Sir,

With reference to the remarks contained in para: 69 of the Administration Report of Public Works in the Madras Presidency for the year 1869/70 regarding an irrigation project from the river Pennair at Sungum in the Nellore District, and to the proceedings of the Madras Government for June 1870 No. 395 passing orders on estimates submitted by the Madras Irrigation and Canal Company for the construction of a canal from the same river, opening at Somaissuram some miles above Sungum, I am directed to request that the Government of India may be favored with several copies of the latter proceedings and with the views of the Government of Madras on the bearings of the contract with the Company on the Government project first mentioned.

2. I am at the same time to remark

that

that if there is any doubt as to the right of Government to appropriate water from the Pennair for the irrigation of tracts of country not at present supplied from that river it is desirable that the Secretary of State should be informed thereof in view to the interests of Government not being lost sight of when the time may arrive for drawing up a fresh agreement between the Company and the Secretary of State.

I have the honor to be,
Sir
Your Most Obdt. Servt
[illegible] Coll. R.E.
Offg: Deputy Secretary to the Govt. of India

and to the

P.W. 1870 Dept
Pro. of Govt. Fort St. G.
No. 370a
(18)

From

Govt. of India

Dated 5th } Sept./70
Recd: 19th } Sept./70
No. 2599 & 2600-1 of Prols./70
No. 371 I.

Requesting information on the proposed irrigation project from the river Pennair at Sungum in the Nellore Dt. & the construction of a Canal from the same river by the Madras Ir. Co. & an opinion on the right of Govt. to appropriate the water of the Pennair.

Ordered that the following letter be sent:-

19th c/3
6 10th Oct/70 – P.W. 2[illegible]

No. 2600

To

The Secretary to the
Government of India

I am directed to acknowledge Colonel Anderson's letter No. 371 I. under date the 5th September 1870, in which, referring to the remarks contained in para 69 of the Administration Report of Public Works in the Madras Presidency for the year 1869-70, and to the Proceedings of this Government No. 395 of the 30th June last, in which orders were passed on estimates submitted by the Madras Irrigation and Canal Company for the construction by ~~that~~ Company of a Canal from the Pennair River in the Nellore District, it is requested ~~that~~ the Govt. of India may be supplied with several additional copies of those Proceedings

be favored with the views of the Government of Madras on the bearings of the contract with the Company on the large irrigation project from the same river which the Government have under consideration. Further it is remarked that, if there is any doubt of the right of Government to appropriate water from the Pennair for the irrigation of tracts of country not supplied from that river.

the Secretary of State should be addressed in view to the interests of Govt not being lost sight of when the time may arrive for drawing up a fresh agreement between the Company and the Secretary of State.

In reply I have the honor to state ~~that twenty~~ spare copies of the Proceedings of this Govt

Despatch to the Right Hon^ble the Secy of State for India No. 10. d/10th March 1864.
From. do. do No. 16 d/31st May 1864

Government for June No. 395, are herewith forwarded and I am to invite attention to the accompanying copies of papers as per margin from which it will be seen that having in 1864 some expectation of being able to irrigate a considerable tract of land between the Toombooddra and the Hindri from a point on the former river near Penigopa, the Madras Govt were led to entertain the

doubt

doubtful of the bearings of the Company's contract which has suggested itself to the Government of India.

The question was accordingly referred to the Secretary of State, who, it will be observed, in his despatch of the 31st May 1864 No 16 expressed himself as clearly of opinion that there was nothing in the terms of the Contract to interfere with the right of the Government, or to preclude the Govt. from itself undertaking new irrigation operations with the waters of the rivers named in the Contract. This would seem to set the matter to rest, but the Secretary of State added that so long as there was no reason to suppose that the Company were occupying the ground to the exclusion of others it would scarcely be consistent with equity to undertake such operations, inasmuch as they might involve interference with those of the Company or divert water which it is a part of the Company's plan to utilize.

Under this opinion there might be some doubt of how far the Government, without raising any question of their right would be justified in carrying out the project that is under consideration for the irrigation of a large area of land north of the Pennair, by means of a canal led off from that river below Sungum, if there were any prospect whatever of the Company being in a position to take advantage of the privilege their contract confers upon them of extending their operations into the Nellore District, or if it were in contemplation in any way to make use of any other than the natural supply of the Pennair. Should the Company succeed so far in completing the undertaking they have in hand, as to be able to discharge Toomboodra water from their Canal into the Pennair it will be a question for future consideration to what compensation they may be entitled in the event of the Govt. utilizing that water by the proposed new works, but there can be none, His Excellency in Council thinks, of their having any exclusive claim to the natural supply of the latter river.

As

As however the Company in making fresh terms with the Home Government, are not likely to fail to avail themselves of all the advantages the wording of their contract gives them, the Madras Government will address the Secretary of State as suggested by the Government of India.

Despd 2/11/70 with 20 copies of
G.O. No 1568 of 1870 & Despatches Nos 10 of
10: [illegible]/64 to the Home Govt & 16 of 3 Aug/70
from the Home Govt -

P/No 3702

Govt. of {1870} Madras.

PUBLIC WORKS.

To The Secretary to the Govt of India

Dated

Recd.

1st Novbr. No. 2599 & 2600.

Nos. 3-4 & 5

Letter.

Furnishing the information called for in letter No 374 d. 11/8 70 regarding the various Irrigation Projects from the Pennair River at Sungum in the Nellore District & as to the right of Govt. under the ~~terms~~ Contract of the Madras I. & C. Co. to carry out that Project.

Irrigation Project. Passing orders on the letter from the Govt of India requesting information on the proposed Irrigation Project from the Pennair River at Sungum in the Nellore District & that a reference may be made to the Home Govt. as to the right of Govt. under the ~~terms~~ Contract of the Madras I. & C. Co., to carry out that Project.