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(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 263 Press / ~~Mis.~~

25-26

Dated 30-1- 1871.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 30th January 1871.

No. 525. Read the following Endorsement of the Revenue Department, dated 4th January 1871:—

Read the following Proceedings of the Board of Revenue, dated 16th November 1870, No. 6,689.

Read the following letters:—

From the Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 14th October 1870, No. 4,541.

THE Department of Public Works in this district are, I find, in the habit of leasing out the fisheries in the river and canals, and have, without communicating their intention to me, I find lately, also taken upon themselves to lease out the fisheries in various tanks. More than this, I lately received an Arzi from the Bapatla Tahsildar reporting that he had received an intimation from the Talook Overseer to the effect that, according to instructions received, he was about to lease out the right of fishing in the tanks and also in certain salt-water creeks in that Talook, and inquiring whether there was any objection to the latter course. The Tahsildar referred the matter to me, and I wrote at once to inquire from the Superintending Engineer whether he had received any authority from Government in his Department to lease out the fresh and salt-water fisheries of the district, as I was under the impression that the question of leasing out the salt-water fisheries was still under consideration, and I had been called on to report on the subject. To this inquiry I have not yet been favoured with any reply. As it may lead to serious misunderstanding and complications hereafter if both the Revenue and Public Works Departments undertake the leasing out of the same fisheries, and this they are very likely to do if there is no clear understanding on the subject, I consider it best to desist from further action in the matter till I receive definite instructions as to which Department are authorized to deal with the fisheries.

2. It may be that some order of Government has been passed on the subject, though I think it is hardly likely that it would not have been communicated on the Revenue side; but as to nearly all orders passed in the Public Works Department of the Secretariat, I am in total ignorance. By Government Order, dated 28th November 1864, Public Works Department, Superintending Engineers were requested to furnish Collectors with copies of all orders relating to their districts, and spare copies will, it was said, be supplied to them for that purpose; but Colonel Moberly has almost entirely discontinued the practice. I seldom, if ever, receive a copy of a Government Order in the Public Works Department, unless I happen to hear of it and ask for a copy. I have written to ask Colonel Moberly to be so good as to send me a spare copy of each order relating to the district as was formerly done, but I have received no answer to my request. I would submit that the Collector ought to be informed of all orders relating to Public Works in his district.

3. I may mention that, a short time ago, I received a complaint from the Superintending Engineer that the Repalli Sub-Magistrate had fined a man Rupees 40 for fishing in a tank, ignoring that the party held a license for fishing issued by the Public Works Department, and that though he had written twice to the Repalli Sub-Magistrate for an explanation no notice had been taken of his letters. I at once wrote and directed the Repalli Sub-Magistrate to report to me the whole

circumstances of the case, and to send the record and explain his neglect in not answering at once the Superintending Engineer's letters. The Repalli Sub-Magistrate reports that no complaint of the kind was ever made to him, nor did he ever fine a party Rupees 40, or any other sum, for illicit fishing with license issued by the Department of Public Works, and that he never received a single line from the Superintending Engineer, or it would have received immediate attention. This is not the only instance in which the Superintending Engineer has complained to me of the conduct of the Sub-Magistracy, when, upon inquiry, I have similarly found that he has been totally misinformed.

From the same Officer, dated Masulipatam, 22nd October 1870, No. 4,690.

In continuation of my letter, dated 14th October 1870, No. 4,511, regarding the Department of Public Works having undertaken the leasing out of the fisheries of this district, I have the honour to report that I have just received a letter from the Superintending Engineer, in which he refers to a former letter of his, dated 2nd June 1870, No. 79, which was received during my absence on leave, and which I never saw before.

2. The Acting Head Assistant Collector had reported that fishermen were using large nets near the under-sluices of the Bezwada anicut, and taking quantities of the *pallaps* fish full with roe that were trying to ascend the river, and that on the Tahsildar questioning them, he found that they held licenses from the Public Works Department.

3. As fishing near an anicut has been prohibited by the recent Order of Government, I wrote to the Superintending Engineer requesting him to favour me with a list of all fisheries leased out by his Department, and the periods of the leases, and to inform me to which head the proceeds were carried. I intimated at the same time that I had received instructions to make arrangements for leasing out all fisheries, and that fishing near anicuts was to be prohibited and a close season maintained during breeding time. It was in reply to this letter, dated 2nd March 1870, that Colonel Moberly replied, 2nd June 1870, No. 79, to the Acting Sub-Collector in charge, as follows :—

"I have the honour to observe that the fisheries have for some years been let after due notice by members of the Department of Public Works in the canals from the anicut and under that work itself. They are in the charge of this Department, and, therefore, I submit that our proceeding (which your predecessors took no exception to) is in accordance with the principle stated by your Head Assistant, of "preventing two Departments being concerned in the matter," the proceeds have been paid into the Treasury credited to the Department of Public Works, as the fisheries have only come into existence since we excavated the canals.

"It appears to me that if the Revenue Department let the fisheries independently of us, there will be frequent occasion for clashing and of complaints being made as to injury to the masonry works, banks, etc

"The Tahsildar's statement forwarded by the Head Assistant deserves a passing remark. The under-sluices were shut as closely as we could shut them in November ; the small amount of water leaking in January could scarcely allow of any fish floating over the apron which has a very considerable fall.

The fish taken were coming up the river.
(Signed) J. A. C. BOSWELL.

"In conclusion, I would point out that Dr. Day's papers have all been sent to me ; that I am at present engaged in constructing a fish ladder in the Kistna anicut ; and that until I receive due authority to give up so much of my charge of the delta channels as you require, I must retain it as part of the duty assigned to this Department."

4. As I have informed the Board, the Public Works Department has since been taking steps to lease out the fisheries in tanks, and also propose to lease out the salt-water fisheries of the districts.

2 4

THE Board resolve to submit these letters for the orders of Government.

2. It appears that Colonel Moberly conceives he has the power to lease out tank-fisheries, and that he exercises this power through Overseers without any reference to the Collector. He seems also to have anticipated the decision of Government by demanding money for the fisheries of salt-water creeks.

3. It may be desirable to give the Superintending Engineer control over fisheries in anicut channels, but even in this case the financial arrangements should be left to the Collector. His proceedings with regard to fisheries in tanks and salt-water creeks are unprecedented.

4. With regard to paragraph 4, the Board will simply refer to their Proceedings of the 19th September 1870, No. 5,783. They fear that there is little chance of harmony between the Revenue and Public Works Departments whilst Colonel Moberly is the Superintending Engineer in charge of the Kistna District.

TRANSFERRED to the Public Works Department.

(Signed) W. HUDLESTON.
Secretary to Government.

No. 526. ORDER THEREON, 30th January 1871, No. 263.

ESTABLISHMENT, No. 53.

COMMUNICATED to the Superintending Engineer of the 2nd Division, who will submit explanations *seriatim* on his proceedings, as brought to notice by the Collector, in connection with the leasing out the right of fishing in channels, tanks, and salt-water creeks. Colonel Moberly will state how far the course adopted by him has been warranted by precedent in each case, and, for the purpose of reporting in a full and satisfactory manner on what has been the previous practice of the Public Works Department as regards the control of fisheries, he will call upon Mr. Boswell and confer with him personally in a courteous and friendly spirit.

2. Colonel Moberly will, with reference to Proceedings, No. 3,396, dated 28th November 1864, furnish the Collector with copies of all such orders relating to Public Works as have not yet been supplied to that Officer, and he will report having done so.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

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

Exd. E. C. Shunker.

Govt. of {1871} Madras.

PUBLIC WORKS.

To

THE SUPERINTENDING ENGINEER,

2ND DIVISION.

&c., &c., &c.

Dated January 30th.

Recd. Encl.

G. O., 30th January 1871, No. 263.

JANUARY.

Nos. 525-526

Fisheries in the Kistna District.—Proceedings of the Board of Revenue submitting reports from Collector regarding the leasing out of fisheries in the Kistna District, communicated to the Superintending Engineer of the 2nd Division with remarks.

No. 263
Public Works Department

Proceedings of the Madras Government

Read the following

Endorsement from the Rev. Department { No. dated 4th January 1871

Communicated to the Supt. Engineer of the 2nd Div. who will submit explanations as to the proceedings as brought to notice by the Collector in connection with the leasing out the right of fishing in channels, backwater and salt water creeks. Col. Prother will state how far the course adopted by him has been warranted by precedent in each case, and for the purpose of reporting in

in a full and satisfactory manner on what has been the previous practice of the Public Works Departt as regards the Control of fisheries, he will call upon Mr Boswell and confer with him personally in a courteous and friendly spirit.

Col Moberly will with reference to Proceedings No 3396 dated 28 November 1864, furnish the Collector with copies of all such orders relating to Public Works as have not yet been supplied to that officer and he will report having done so.

(2233)

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Depts 31/1/71

To The Supt Engineer
Rev. Depts
B.C. Revs

Revenue Department

H. V.

For order
on No 3662

I suppose Colo Moberly should be called on through the Public Works Department for any explanation he may wish to offer. G.B.

Yes. He should be told also to stay all further proceedings of the like nature

L.D.S.

He should be called upon for categorical explanation of his proceedings with reference to leasing fisheries in Channels, Inlets & Salt water creeks stating with reference to each in turn for his

Sup Engr
"

cause be communicated
by precedent.
He should also decided
done & communicate
& the Collects all orders
& the S & C. affairs &
Division & to refer that
he has done so.
7. The purpose of refusing
in full & satisfactory
manner all the premises
matters of his dep't with
reference to which he
should be directed &
call upon Mr Borough
and confer with him
personally in a courteous
& friendly spirit.

N

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Lt. Col. 16th Regt. 8
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Govt. of {1871} Madras.

PUBLIC WORKS.

To The Superintending Engineer
S. Division

Dated

Read. Encl.

G. O. 30 Jany 1871, No. 263.

Nos. 525-526

Fisheries in the Kistna District.

Rec. of the Board of Rev. Submitting report from the Collector regarding the leasing out of Fisheries in the Kistna Dist, Com.d to the Superintending Engr. S. Div. with remarks.