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# MADRAS RECORD OFFICE.

## Government of Madras.

*Public Works* DEPARTMENT.

|          |       |       |
|----------|-------|-------|
| G.O. No. | 941   | Press |
|          |       | Mis.  |
| 700-701  |       |       |
| Dated    | 30-3- | 1871. |

Not to be folded or roughly handled

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

No. 700. Read the following Proceedings of the Madras Government in the Revenue Department, dated 2nd March 1871, No. 376.

Read the following Endorsement of the Secretary to Government, Public Works Department, dated Fort Saint George, 10th February 1871.

Memorandum from the Chief Engineer for Irrigation, to the Secretary to Government, Public Works Department, dated 6th February 1871, No. 29.

In the papers printed in the Proceedings of Government, Revenue Department, of the 27th ultimo, No. 185, (G. O., Public Works Department, No. 14, 4th instant,) reference is made by the Board of Revenue to the river lunkahs formed by deposits, and it is mentioned that formerly all such formations were taken possession of by, and sold, under the orders of Government. The legality of this practice appears to have been questioned, and it was laid down that all such accretions were to be considered *bona fide* the property of the owner of the adjacent land.

2. The question appears to me to be of considerable importance. The soil of these river-deposits is often very rich, and there is a very strong temptation to plant for the purpose of extending the area of the lunkahs. Very frequently such extensions are highly injurious from the diversions of current which they occasion, and even natural deposits need removal sometimes to prevent erosion elsewhere. If the law be as indicated by the Board, the proper course would be, I think, to acquire a narrow margin all along such river-lunkahs, and then the Government would always be "the owner of the adjacent land," and all accretions would become the property of the State, and would be dealt with as might be expedient. Every deltaic river has a certain alignment on either side to which it should be kept; in some cases this alignment has been widely departed from, and at intervals efforts have been made to resist encroachments; but in too many cases these attempts have not been systematically arranged, and consequently the money spent has not been as beneficial as it might have been. Considerable outlay will be necessary in the future, and it is desirable that the Government should have the control over land which may be formed at the cost of the State. I propose that a margin shall always be in charge of the Public Works Officers, but that the line denoting the landward boundary shall be moved from time to time outwards, and the land thus given up should be handed over to the Revenue Officers for disposal. Ultimately, when the régime of any particular river has been established, all the lunkahs, with the exception of the margin necessary for their preservation up to the permanent line, will be available for cultivation.

3. The decision of Government that tank-beds shall not be cultivated, unless they and the lands under the tanks have been permanently brought under the command of a channel, is one which will, I trust, always be enforced. Every endeavour should be made to supersede shallow tanks by river-channels when the supply carried by the latter is sufficiently constant; but the interests of owners of land under tanks, which are still required for irrigation, must almost always suffer seriously when the beds are allowed to be cultivated.

(Signed) J. MULLINS, Major, R.E.,  
Chief Engineer for Irrigation.

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

TRANSFERRED to the Revenue Department, with reference to the orders in that department, dated 27th January 1871, No. 185.

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

Irrigation, No. 1.

THE law relating to river formations has been repeatedly laid down by the Judicial Committee of the Privy Council, and one of the most recent judgments is printed at page 136 of Vol. XII., Part I. of Moore's Indian Appeals.

2. The Government understand the law to be that an accretion to the bank is the property of the owner of the land to which it adheres, and that new insulated formations in mid-stream are in non-navigable rivers the property of the owner of the nearest bank of the stream, and in navigable rivers are the property of the Crown to which in such cases the bed of the stream is assumed to belong. Accretion to old island formations, of course, follow the rule as to accretions to the river-bank.

3. The Government have no intention of relaxing the prohibition against the cultivation of the beds of tanks, except in cases when the tank is no longer required as a reservoir, by reason of its being superseded by a permanent supply from a river-channel.

(True Extract.)

(Signed) W. HUDLESTON,  
*Secretary to Government.*

No. 701.

ORDER THEREON, 30th March 1871, No. 941.

IRRIGATION, No. 59.

G. O., Public Works Department, No. 14, 4th February 1871.

Chief Engineer for Irrigation for information and guidance.

2. It being essential that the expenditure incurred by the State in the maintenance of deltaic and embanked rivers should not be rendered partially or

entirely useless by the proceedings of those who happen to hold lands on the lunkahs\* or margins of such rivers, and it being necessary that the regulation

of the bed or course of such rivers should be in the hands of the Irrigation Department, upon which devolves the responsibility of maintaining them in an efficient state, His Excellency the Governor in Council approves of the arrangement suggested by the Chief Engineer for Irrigation, namely, that narrow margins of all deltaic rivers should, where not already belonging to Government, be acquired under the rules for taking up land required for public purposes, and Superintending Engineers will accordingly take measures for carrying out these instructions.

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

3. It will be understood that only such a width of margin as may, under the particular circumstances of each case, be essential to the proper management and maintenance of each part of each river is to be taken up, and, as it is probable that the sum which will have to be devoted to the purchase of such land will be considerable, the Government direct that, after the necessary arrangements have been determined by the Local Officers of the Revenue and Public Works Departments for any section or sections of a river, the papers shall be submitted, through the Chief Engineer for Irrigation, for the sanction of Government, when, if the proposals be approved, the requisite notification will be published in the Gazette.

(True Extract.)

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

To Superintending Engineers.  
To the Revenue Department.  
" Chief Engineer for Irrigation.

Exd. E. C. Shunker.

*De lair*

*Original*

No 94 Public Works Department  
Proceedings of the Madras Government  
Read the following

From

The Revenue Department (L. E. O. No. 276 of 3<sup>rd</sup> Mar 1871)

L. O. P. M. D. No. 14  
4. Feb/71.

*N*  
*A. A.*  
*J. O. S.*

Ordered that the ruling laid down in the above Proceedings of Govt. in the Revenue Department together with the order of the 27. January last No. 185 be communicated to the Sup<sup>r</sup> Engineers, and to the Chief Engineer for Irrigation for information and guidance.

2. It being essential that the expenditure incurred by the State in the maintenance of  
Deltaic

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rivers, should not be  
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entirely useless by the pro-  
ceedings of those who happen  
to hold lands on the  
\* lunka or margins of  
such rivers, and it being  
necessary that the regulation  
of the bed or course of such  
rivers should be in the  
hands of the Irrigation  
Department, upon which  
devolves the responsibility  
of maintaining them in  
an efficient state His Ex-  
cellency the Governor in  
Council approves of the  
arrangement suggested  
by the Chief Engineer for  
Irrigation, viz that narrow  
margins of all Deltaic  
rivers

\* lunka is here intended  
to mean an island in the bed  
of a river, as also the berm,  
or margin, on the river  
banks, between the river  
and the artificial  
embankment.

rivers should, where not  
already belonging to Govt,  
be acquired under the rules  
for taking up land re-  
quired for public purposes,  
and Chief Engineers will  
accordingly take measures  
for carrying out these  
instructions.

3. It will be under-  
stood that only such a  
width of margin, as may  
under the particular cir-  
cumstances of each case,  
be essential to the proper  
management and  
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probable that the sum  
which will have to be  
devoted



Pao 44 February 7/71 N. 14

11.3.95

Govt. of 1871

PUBLIC WORKS.

Superintendent Engineer

Further Pao 11/71 E. 18.4.71

11.2.2 5.5.71

Date

Sec.

G. O. 30 March No. 941.

Nos. 7/71-7/71

Revised and added. 11/71

In Pao. to the Rev. Secy. on the  
Memo. from the Chief Secy for  
Irrigation on the subject of  
River in Lake formed  
by debris.