M.R.O. 1—77,006—8-6-37.

(1) Number of pages 28

(2) Date of repair 2-9-43

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 2417-2418 Press ~~Mis.~~

2420-2421-2422
Dated 14-10-1872.

Not to be folded or roughly handled

Proceedings of the Madras Government Public Works Department, 14th October 1872.

No. 240. Read the following letter from the First Assistant Resident, Hyderabad, to the Secretary to Government, Public Works Department, dated Hyderabad Residency, 28th August 1872, No. 1,781:—

His Highness the Nizam's Minister having requested a reply to his communication, No. 3,861, dated 17th November 1871, a translation of which accompanied this office letter No. 2,718 of 2nd December 1871, to your address, regarding the claim to water-rate preferred by the Madras Irrigation and Canal Company on account of lands irrigated by the Company's Canal in Sultanpoor and Ralampaud of His Highness' Territory, I have the honour to state that the Officiating Resident would feel obliged by being favoured with a reply on the subject for transmission to Sir Salar Jung, who is anxious that the question should be set at rest with as little delay as possible.

No. 241. Order thereon, 14th October 1872, No. 2,417.

IRRIGATION, No. 10.

Ordered that the following letter be sent:—

(Here enter No. 2,418, dated 14th October 1872.)

(True Extract.)

Major, R.E.,

Acting Joint Secretary to Government.

To the Acting Chief Engineer for Irrigation.
" Agent and Manager of the Madras Irrigation and Canal Company.

Exd. E. C. Shunker.

Govt. of {1872} Madras.

PUBLIC WORKS.

To

THE ACTING CHIEF ENGINEER FOR

IRRIGATION.

&c. &c. &c.

Dated October 11th.

Recd. *Encl.*

G. O., 14th October 1872, No. 2,417.

OCTOBER

Nos. 240-241

Water-rate for lands irrigated in Nizam's Territory.—Passing orders on letter from the Resident, Hyderabad, regarding claim of the Madras Irrigation and Canal Company to water-rate for lands irrigated in the Nizam's territory.

PUBLIC WORKS DEPARTMENT,

OOTACAMUND, *14th October* 1872.

No. 242. No. 2,418.

To THE RESIDENT, HYDERABAD.

IRRIGATION, No. 11.

No. 498 of 24th August, from Acting Chief Engineer.
No. 208 of 29th August, from Acting Manager, Madras Irrigation and Canal Company.

SIR,—With reference to letter No. 1,781, dated 28th August from the First Assistant Resident, Hyderabad, I am directed to forward the letters noted in the margin relative to the claim of the Madras Irrigation and Canal Company to water-rate for water supplied to lands in His Highness the Nizam's Territory, and to request that the Company's claim may be adjusted at an early date.

2. I am to call attention to paragraph 11 of the Acting Chief Engineer's letter from which it would appear that branch channels for the distribution of the water obtained from the canal have been constructed by the villagers in the Nizam's Territory with more care than by any other villagers whose lands are supplied from the upper sections of the canal. The existence of these distribution channels would appear to refute the statement that the villagers are unwilling to avail themselves of the water carried by the canal, and that paddy grown in the neighbourhood of the canal is supplied by percolation independently of a direct supply from the canal.

3. I am to call attention to paragraph 13 of the Acting Chief Engineer's letter from which it would appear that the local authorities of His Highness the Nizam have not yet met the Canal Officers to settle the areas of lands irrigated, etc., though from letter, No. 3,396, dated 5th February 1872, from the Officiating First Assistant Resident, it would appear that orders had then been issued on the subject by the Nizam's Minister.

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

Major, R.E,
Acting Joint Secretary to Government.

Exd. E. C. Shunker.

From the Acting Manager of the Madras Irrigation and Canal Company, to the Acting Chief Engineer for Irrigation, dated Madras, 29th August 1872, No. 208.

Land irrigated in Nizam's Dominions.

I HAVE the honour to forward copy of a letter which I have received from our Acting Chief Engineer, to which I beg the favour of your special attention.

There are several important points referred to in this letter to which it will be well that I should advert.

By paragraph 13 it will be seen that *no* steps have been taken by the local officers of His Highness the Nizam towards the adjustment of the Company's claims notwithstanding that, as would appear by G. Os., Nos. 2,076 and 2,449, of 12th August and 25th September 1871, pressure was brought to bear upon them to induce them to do their duty in this respect.

It would seem, moreover, that the irrigation of these lands for *three* seasons, namely, 1869-70, 1870-71, and 1871-72 has to be accounted for.

Paragraphs 4 and 9 show that the use of the water was *unauthorized*; and although not for that reason *necessarily* fraudulent, the violence with which the Surveyors' attempts to measure the land were met, as reported in paragraph 10, affords ample proof that the water *was* taken with a dishonest intent.

I submit that it is a case in which the ends of justice will not be answered unless the rule is enforced, which provides that a double rate shall be paid in the case of surreptitious irrigation.

It is true that in the case of much of the irrigation under the canal the water is supplied to the land weeks, or even months, in anticipation of the official demand, but this arises from no lâches on the part of the ryot, but simply because if we were to wait for the official demand, which sometimes does not reach us until after the season is over, the bulk probably of the Company's revenue would be sacrificed. In these cases, however, there can be no imputation of fraud. The water is supplied by, or with the concurrence of, the Company's Officers, and certainly no violence is attempted or threatened when the Company's Surveyor proceeds to measure the fields.

Upon the question of the delay in forwarding the "official demands" for water, I beg to refer you to paragraph 4 of the Acting Chief Engineer's letter; but, as I shall have very shortly to address you at length upon this point, I will not enlarge upon it now.

Upon paragraph 2 I may remark that although Mr. Orme, who was the Superintendent of Irrigation in 1869-70, has left the service, he can easily be found and his evidence obtained.

The efforts already made to obtain a settlement of the Company's claims, or even to induce the proper authorities to take action in that direction, having proved fruitless, I beg you will do me the favour to take such further steps as may seem to you likely to secure the object we have in view, and I would also submit, for your consideration, whether, in the interests of justice, some notice should not be taken of the lawless proceedings reported in the Acting Chief Engineer's paragraph 10.

From the Acting Chief Engineer, to the Acting Manager of the Madras Irrigation and Canal Company, dated Kurnool, 24th August 1872, No. 498.

Land irrigated in Sultanpoor, etc., your No. 346 of 14th instant.

I HAVE the honour to give the following information with reference to water supplied by our Company to lands in the Nizam's Territory. There are four questions proposed to which I will now give the best answers I have been able to obtain :—

(1.)—Was water supplied to the land ?

(2.)—Was it supplied on official requisition ?

(3.)—Were there valid grounds for remission ?

(4.)—Why has the question of remission not been settled ?

2. As regards the first question, it appears that the chief evidence we have that the fields were irrigated is that of the special officer who was employed by the Company to inspect and measure lands irrigated, namely, Mr. Orme. He entered the fields in question in his accounts, but has now left the Company's service. We have, however, Mr. Orme's letter No. 148 of 23rd November 1869, which says, "ryots of Ralampaud in Nizam's Territory are taking canal water, and although warned by me to apply to me or their Revenue Officers, they have not done so yet."

3. Mr. Wilks and the Conservancy Surveyor state that these fields have again been irrigated during the past season 1871-72, and the present Conservancy Surveyor also says that they were irrigated in the season 1869-70.

4. *2nd question.*—It appears that no official requisition was received for the water, but as official requisitions *are generally received too late to be of service* that would not attract attention at the time.

5. *3rd question.*—It does not appear that there are any valid grounds for remission.

6. *4th question.*—The question of remission has not been settled, because no one has appeared to discuss the settlement with our officers.

7. It is very unfortunate that the Irrigation Superintendent and the Overseer of the range during the season in question have both left the Company's service and that none of the officers now in the Company's service can give direct evidence as to the supply of water during the season referred to.

8. I may here state that, during the past season, Mr. Wilks visited Ralampaud and Sultanpoor, and on the 24th of January last found about 80 acres of land in Ralampaud and about 70 acres in Sultanpoor cultivated with our canal water.

9. Most of the fields were irrigated directly from our channels or from a sluice. A few fields were irrigated from leakage water, and Mr. Wilks reports that the crops were *very fine*.

10. When, however, Mr. Wilks, Surveyor, attempted to measure these fields accurately, the villagers forcibly prevented him and threatened to beat the Overseer.

11. It appears, then, that although these villagers have represented that they are unwilling to use our water, they actually do use it and have taken more care in the construction of channels for themselves amongst their fields than any other villagers on the upper sections of the canal, and that their only unwillingness is to pay for the water.

12. Mr. Wilks further states that they have also been in the habit of opening our sluices at night.

13. The local authorities of His Highness the Nizam have not yet met our officers for the purpose of settling these questions, but I trust they will do so at an early date.

14. During the past season I received a visit from some ryots of the village referred to when I was out on the work, but they did not appear to have any very definite motive for the visit, and there was not any one amongst them authorized to effect a settlement.

15. The day before yesterday, when in that neighbourhood again, I received a visit from a proprietor, who asked that water might be supplied to his land situated in the Nizam's Territory, and, as I have no doubt as to the applicants good faith, I ordered the Overseer to supply water.

16. In conclusion, I will only add one remark with reference to the letter from the Sadr Taluqdar of the Southern Division, dated 23rd Rajjub, and printed with Government Order No. 1 of 4th January 1872.

From that letter I extract the following passage :—" When the ryots do not avail themselves of the canal water, how can a water-rate be imposed on them."

With reference to this, I beg to say that our proposal is not to ask the water-rate from cultivators who do not avail themselves of the canal water, but to collect it from those only who actually do use our water and carry on wet cultivation.

Govt. of {1872} Madras.

PUBLIC WORKS.

To

THE RESIDENT HYDERABAD.

Dated October 14th,

Rcd. Encl.

G. O., 14th October 1872, No. 2,418.

OCTOBER.

No. 242

FORWARDING correspondence relative to the claim of the Madras Irrigation and Canal Company to water-rate for lands irrigated in the Nizam's Territory and requesting early adjustment of the same.

Print-Copy

No. 1781 of 1872/73.

From,

Major H. Sweedie,
First Asstt. Resident
Hyderabad.

To,

The Secretary to Government
Public Works Department,
Fort St. George.

Hyderabad Residency 28th August 1872.

Sir,

His Highness the Nizam's Minister having requested a reply to his communication No. 3061, of 17th November 1871, a translation of which accompanied this office letter No. 2718, of 2nd December 1871,

to

to your address, regarding the claim to water rate, preferred by the Madras Irrigation and Canal Company, on account of lands irrigated by the Company's Canal in Sultanpore and Palampad of His Highness' Territory, I have the honor to state that the Offg: Resident would feel obliged by being favored with a reply on the subject, for transmission to Sir Salar Jung, which is of opinion that the question should be set at rest with as little delay as possible.

I have the honor to be,
Sir,
Your most Obdt. Servant

F. Fraser
First Asstt. Resident.

Gill

Print
MADRAS IRRIGATION AND CANAL COMPANY.

Madras 29 August 72

No. 208

From

The Ag. Manager
M. I. and C. C.

To

The Ag. Chief Engineer to and Joint Secy to Government
Madras

Sir

<u>Land irrigated in Nizams Dominions</u>

I have the honor to forward copy of letter which I have received from our Acting Chief Engineer to which I beg the favor of your special attention.

There are several important points referred to in this letter to which it will be well that I should advert.

By para 13 it will be seen that <u>no</u> steps have been taken by the local officers of H. H. the Nizam towards the adjustment of the Companys claims not withstanding that as would appear by G. O. No. 20?? and 2019 of 12 August and 26 September 1871 pressure was brought to bear upon them to induce them to do their duty in this respect.

It would seem moreover that the irrigation of these lands for <u>three</u> seasons namely 1869-70, 1870-71 and 1871-72 has to be accounted for.

Para 11 and 9 show that the use of the water <u>was unauthorised</u> and although not for that season <u>necessarily</u> fraudulent, the violence with which the attempts to measure the land were met as reported in para 10 affords ample proof that the water <u>was</u> taken with a dishonest intent.

I

I submit that it is a case in which the ends of justice will not be answered unless the rule is enforced which provides that a double rate shall be paid in the case of surreptitious Irrigation.

It is true that in the case of much of the Irrigation under the Canal the water is supplied at the Canal needs, or even months, in anticipation of the official demand. But this arises from the Canal on the part of the agent but simply because it is necessary to wait for the official demand which sometimes does not reach me until after the season is over, the buck probably of the Company's Harem would be sacrificed. In these cases however there can be no imputation of fraud. The water is supplied by, or with the concurrence of the Company's officers, and certainly no violence is attempted on the part of the Company or their people to recover the fees.

Upon the question of the Collector in forwarding the official demands for orders I beg to refer you to para 4 of the Acting Chief Engineers letter and shall have very shortly occasion to call your attention upon this point. I will not enlarge upon it now.

Upon para 2 I may remark that although Mr Crue, who is the Superintendent of Irrigation in 1869-70 has left the service he can easily be found and his evidence obtained. The efforts already made to obtain a settlement of the Company's claims or even to enforce the proper authorities to take action in this direction seems to have proved fruitless. I beg you will direct me the favor to take such further steps as may appear to you likely to secure the object we have in view, and I would also submit for your consideration whether in the interests of justice some notice should not be taken of the careless proceedings reported in the Acting Chief Engineers para 10.

I have the honor to be
Sir
Your Most Obt Servt

Collector

Sd Manager

MADRAS IRRIGATION AND CANAL COMPANY.

Chief Engineer's Office
Tanjore 24th August 1872.

No 498.

From The Acting Manager
Madras

To
Sub-Collector of Tanjore

Sir,

I have the honor to forward herewith information which appears to me to be necessary by our Company to Landowners in the Neg[apatam] District.

There are 4 questions proposed to which Sir Louis Mallet requests answers.

I have been able to obtain

(1) What water is supplied to the Land?

(2) Was it supplied on Official requisition?

(3) Were there rules granted for remission?

(4) Why has the question of remission not been settled?

As regards the first question we have that the chief evidence we have that the fields were irrigated in the Official Year 1871-72 and that the Water was supplied on Official requisition.

I have &c.

Sd/ [illegible]
Acting Manager

Dem. No 248.
The Ag: Manager Mad.
Ry. Co.
To
The Ag. Chief Engr for
Irrign and Canals Madras
Dated 29th August 1872
Recd 30th ——"

Encl: One.

Forwd. copy of Ag.
Chief Engineer's letter
No 498 dated 24th instant
relative to Lands irrigated
in the Nizams Dominions
with observations thereon.

P. W. 4295/72.

in question in his accounts, but has now left the Company's Service. We have however Mr Ames letter No 148 of 23rd November 1869, which says, "Ryots of Kalampaud in Nizam's Territory are taking Canal Water and all the warned by me to apply to me or their Revenue Officer they have not done so yet."

3. Mr Wilks and the Conservancy Surveyor state that these fields have again been irrigated during the past season 1871-1872 and the present Conservancy Surveyor also says that were irrigated in the season 1869-1870.

4. 2nd Question. It appears that no official requisition was received for the water, but an official requisition was personally canvassed for which to be of service that would not attract attention at the time.

5. 3rd Question. It does not appear that there are any valid grounds for remission

6. 4th Question. The question of remission has not been settled, because no one has appeared to discuss the settlement with our Officers.

7. It is very unfortunate that the Irrigation Superintendent and the Overseer of the Range during the season in question have both left the Company's Service and that many of the Officers now in the Company's service can give direct evidence as to the supply of water during the season referred to.

8. I may here state that during the past season Mr Wilks visited Kalampad and Sultanpoor, and on the 24th of January last found about 80 acres of land in Kalampad, and about 70 acres in Sultanpoor cultivated with our Canal Water.

9. Most of the fields were irrigated directly from our Channels or from a sluice. A few fields were irrigated from leakage water, and Mr Wilks reports that the crops were very fine.

10. When however Mr Wilks Surveyor attempted to measure these fields accurately the villagers forcibly prevented him and threatened to beat the Overseer.

11. It appears then that although these villagers have represented that they are unwilling to use our water they actually do use it and have taken more care in the construction of Channels for themselves conveying it their fields than any other villagers on the upper sections of the Canal, and that their only unwillingness is to pay for the water.

12. Mr Wilks further states that they have also been in the habit of opening our sluices at Night.

13. The local authorities of the Nizam have not yet met our Officers for

for the purpose of settling these questions, but I trust they will do so at an early date.

14. During the past season I received a visit from some Ryots of the village referred to when I was out on the work, but they did not appear to have any very definite motive for the visit and there was not any one amongst them authorised to effect a settlement.

15. The day before yesterday when in that neighbourhood again, I received a visit from a Proprietor who asked that water might be supplied to his land situated in the Nizam's territory and as I have no doubt as to the applicant's good faith, I ordered the overseer to supply water.

16. In conclusion I will only add one remark with reference to the letter from the Sadr Jaloakdar of the Southern Division dated 23rd Rajab and printed with Government Order No. 7 of 14th January 1872.

From that letter I extract the following passage, "When the Ryots do not avail themselves of the Canal water how can a water rate be imposed on them?"

With reference to this I beg to say that our proposal is not to ask the water rate from cultivators who do not avail themselves of the Canal water, but to collect it from those only who actually do use our water and carry on wet cultivation.

I have &c &c

(Signed) R. Browning
Acting Chief Engineer

P. Dr. 4 Sept 72.
Rec'd Madras 15th
Ans. 18th Sept 72.

Sept 72.

No 2417

Ordered that the fol. Potacamund
Covering letter be sent. 26th September 72

From

To The Ag Chief Engineer for Irrigation
The Secretary for Irrigation
Accountant & Manager Irrigation Co. Ltd.

Despd 27/9/72

No 2418.

To The President
Hyderabad

Sir,

With reference to Letter No.
1781 dated 28th August from the First
Assistant Resident Hyderabad I
am directed to forward the Letters
noted in the margin
relative to the Claim
of the Madras Irri-
gation & Canal
Company to water
rate for water sup
-plied to lands in
His Highness the Nizam's Territory and
to request that the Company's Claim
may be adjusted at an early date.

2 I am to call attention to para 11
of the Ag Chief Engineers Letter from
which

No 498 of 24th August
from Acting Chief Engineer

No 208 of 29th August
from Acting Manager
Madras Irrigation &
Canal Company.

which it would appear that branch channels for the distribution of the water obtained from the Canal have been constructed by the Villagers in the Nizam's Territory with more care & than by any other Villagers whose lands are supplied from the Upper Sections of the Canal. The existence of these distribution channels would appear to refute the statement that the Villagers are unwilling to avail themselves of the water carried by the Canal and that paddy grown in the neighbourhood of the Canal is supplied by percolation independently of a direct supply from the Canal

3. I am to call attention to para 13 of the Acting Chief Engineer's Letter from which it would appear that the Local Authorities of His Highness the Nizam have not yet met the Canal officers to settle the areas

areas of lands Irrigated &c &c though from Letter No 3396 dated 5th February 1872 from the Officiating First Assistant Resident it would appear that orders had been issued on the subject by the Nizam's Ministers.

I have the honor to be
Sir
Your most Obedient Servant

Major R.E.
Offg Chief Engineer for Irrigation

Dept 21/10/72 with copies (2 printed) of the letters noted in the margin of the letter.

28/11/82 D

CONCERNS BOTH BRITISH INDIA AND INDIAN STATES.

No 4295

Govt. of [1872] Madras.

PUBLIC WORKS.

To The Chief Engr for Irrigation

Copy

To The Resident Hyderabad

Dated

Rec'd

Encl.

1872

14 Aug 2417-2418

105 240-241-242

Water rate for lands irrigated in Nizam's territory.

Passing orders on letter from the Resident, Hyderabad, regarding claim of the Madras I. & C. Co. to water rate for lands irrigated in the Nizam's territory.

Forwarding correspondence relating to the claim of the Madras I. & C. Co. to water rate for lands irrigated in the Nizam's territory & requesting early adjustment of the same.