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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	501	Press
~~B.P.~~ No.		~~Mis.~~
Dated	20-2-195	

Not to be folded or roughly handled

1A

*Proceedings of the Madras Government, Public Works Department,
20th February 1875.*

No. 527. Read the following endorsement of the Chief Engineer for Irrigation, dated Camp at Vaniembady, 19th January 1875, No. 77-A:—

From Major J. BEATTY, R.E., District Engineer, Godavery, to Lieutenant-Colonel J. MULLINS, R.E., Chief Engineer for Irrigation, dated Dowlaishweram, 9th January 1875, No. 3,141.

In your letter, No. 32, of 13th January 1874, you state that land for public works can be taken possession of in either of the following ways:—

- 1 Letter from Officer in charge No. 3 Range, No. 433, of 20th October 1874.
- 1 Letter from Head Assistant Collector, dated 30th October 1874, with 2 enclosures.
- 1 do. do., No. 150, dated 4th November 1874.

1st.—When officially transferred by the District Revenue Officers.

2nd.—When permission for occupation is given in writing by the owners, in anticipation of formal transfer.

2. It has been found in No. 3 Range (where the rules regarding formal transfer have been most closely complied with, *i.e.*, land* plans and schedules prepared, a register† kept, etc.) that to wait for formal transfer through the

* Your Circular No. 56, of 13th November 1873.
† Paragraph 2 of G. O., No. 1,617, of 20th June 1873.

Revenue Department is a source of very great delay. The "two or three months at most" mentioned in the last clause but one of your memorandum, No. 397-B, of 8th June 1874, is evidently found by the Revenue Department to be quite insufficient, and, if the Range Officer did not adopt the second method of acquiring land that you suggested, he could make no progress at all, and works would come to a standstill.

3. The system of acquiring land by taking the written consent of the proprietor, who, of course, agrees to take such reasonable compensation as may be fixed by the Revenue Department, and then occupying it in anticipation of formal transfer, has been found of the greatest assistance to the department in carrying on the new works sanctioned in the deltas, and no difficulty has hitherto arisen from following it; but you will observe from the accompanying letter of the Acting Head Assistant Collector that it is pronounced to be "undoubtedly opposed to the direct orders of Government," "absolutely illegal," and "cannot be adopted."

4. Mr. Sewell doubtless means that there is no authority, so far as the Revenue Department is aware, for adopting that method, and I have, therefore, the honor to request you will be good enough to refer me to the authority under which you prescribed it, or obtain orders of Government sanctioning it.

5. As you will observe by a subsequent letter from the same officer, at whose suggestion I make my present reference to you, he considers it impossible to fix any time* to be allowed the Revenue Department for making necessary arrangements for the transfer of

* Your Memorandum, No. 165, of 18th February 1874.

land, and there is little experience of the time necessary for taking it up under Act X. of 1870. Previous experience, however, of obtaining land in the regular manner through the Revenue Department is that it occupies many months, and that a further period of about a year is required before payment is made,

6. But in regard to Mr. Sewell's second letter, No. 150, of 4th November 1874, I must also point out that much of it is based on the mistaken assumption that a Revenue Officer is qualified to determine the best site for one of our delta works, and whether the line of a canal or channel may not be altered to suit the whims and fancies of individual ryots. In ninety-nine cases out of a hundred, of course, when a Range Officer has determined the best line for such a work, it should be constructed there, or not at all. Into this mistake, however, they have doubtless been led by the wording of Circular from the Government of India, No. 59-A, dated Simla, 2nd July 1867 (herewith sent), wherein it is laid down that the Civil Officer is "to ascertain whether the object sought cannot be secured otherwise either by obtaining some other plot of land than what was originally intended, or in some other manner." This, however, in the case of delta works, is quite inapplicable.

SUBMITTED for the orders of Government.

The instructions conveyed to the District Engineer in this Office Memorandum, No. 32, of the 13th January 1874, were, so far as the second method of obtaining possession of land, viz, by the written consent of the owner, is concerned, based upon orders which were sent to Public Works Officers some years since, and the supersession of which by more recent orders on the subject was overlooked. As an Executive Officer, the undersigned but seldom experienced even in Tanjore any difficulty in getting land-owners to consent to their lands being occupied in anticipation of their formal transfer and the consequent payment of compensation.

2. The Head Assistant Collector refers to this practice as illegal, but he must mean irregular, which no doubt it is. At the same time he does not appear to consider that there is any objection to it in principle, provided the Government see fit to authorize it. The orders of the Government of India on the subject of the acquisition of lands for public works purposes would seem to have been issued in reference to circumstances differing materially from those prevailing in the rural parts of this Presidency. Land compensation claims are here usually moderate and easy of settlement, and, during all the years the undersigned has been connected with irrigation works, there has been no case that he is aware of in which any large sum per acre has been demanded for the land required, except perhaps in connection with the Madras Water Works, which was from the position of the lands near the Presidency exceptional.

3. Such being the case, the relaxation of the rule in the case of the Godavery Delta works appears to be desirable. The practice of taking possession with the consent of the owners has, it is reported, not occasioned any difficulty, and, on the other hand, conformity to the procedure laid down in the rules of the Government of India, will at once create very considerable difficulties and lead to most inconvenient delay in the prosecution of the delta works, a delay which will result in much greater loss to Government than any possible enhancement in particular cases of land compensation would occasion. If the method detailed by the Head Assistant Collector be followed, it would seem that all that is required in nineteen cases out of twenty would be secured.

4. The Head Assistant Collector is manifestly desirous of doing all in his power to facilitate the transfer of land in the way required by the rules, and had he nothing else to do, and were he alone to manage it, no doubt his efforts would be very successful, but where a great many officers are concerned and many requirements have to be attended to, delay is inevitable. Those ryots, who have a strong desire to keep their lands very naturally, suggest that a canal or channel should be carried on a different alignment, and to satisfy three or four Revenue Officers of different grades that a change of line is not expedient is necessarily a work of time, and possibly, as the District Engineer intimates, a work of patience as well, seeing that to the uninitiated the reasons for the adoption of particular levels must be hard to understand, and the position of an off-take of a branch channel may seem a matter of indifference within a considerable distance either way. Where, therefore, the land owners acquiesce in the proposal to transfer their lands, it would be a waste of time and power, it is thought, to require that an elaborate process should be gone through when a simple one will answer the purpose, and there can be no question of the superior economy of the simple procedure.

5. It may reasonably be asked, however, why applications for land are not, or cannot be made a year or two before such land is wanted? The answer is that it is merely a question of establishment. Nothing would be easier, had the Delta Officers plenty of time to spare. As it is, they have so much more than enough to do to attend to pressing requirements, that it is practically impossible for them to provide for the future as well as the present. When a canal or channel is about to be commenced, its working details are finally settled, and then, and not till then can the exact extent of land required be shown on paper. If thereafter two or three months will suffice to secure possession of the land, the regular process can be adhered to, if not either the more direct arrangement of allowing the land to be occupied with the consent of the owner must be sanctioned, or the works must be frequently postponed until another year.

(Signed) JOHN MULLINS, Lieut.-Colonel, R.E.,
Chief Engineer for Irrigation.

No. 528.

ORDER THEREON, 20th February 1875, No. 501.

IRRIGATION, No. 39.

THE Government desire to have before them more definite information as to the working of the system under

which Range Officers in the Godavery Delta have been in the habit of obtaining the consent of the ryots to the occupation of their lands for the delta irrigation or canal works, in anticipation of the settlement of compensation and the formal transfer of the land by the Revenue Officers. It should be shown—

1st.—On what dates applications to the Revenue Officers for formal transfers have been made, the areas included in such applications, the dates on which the transfers were made, and the rates per acre settled in each case.

2ndly.—What lands have been taken possession of and occupied with the consent of their owners and on what dates; when the applications for formal transfer were sent to the Revenue Officers; when the transfers were completed; and what the rates per acre in each case were.

Proceedings of the Madras Government, Public Works Department,
20th February 1875.

2. Pending the submission of this information, the occupation of lands with the written consent of their owners is authorized so far as this course may be necessary for the operations of the current working season.

3. It may be noticed that all applications for the formal transfer of lands should be made in the prescribed way to the Divisional Revenue Officers direct, and not to the taluq or other subordinate Revenue Officers.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

N^o 3141

District Engineers Office Godavery
Daulaishweram 9 January 1875

From,

Major J. Beatty R.E.

District Engineer Godavery.

To,

Lieutenant Colonel J. Mullins R.E.

Chief Engineer for Irrigation.

Sir,

In your letter No. 32 of 13th January 1874,

you state that land for public works can be taken possession of in either of the following ways:

1st; When officially transferred by the District Revenue Officers,

2nd; When permission for occupation is given in writing by the owners, in anticipation of formal transfer.

2. It has been found in No. 3 Range, (where the rules regarding formal transfer have been

most closely complied with; i.e., land plans

and schedules prepared, a register kept) that

to wait for formal transfer through the Revenue Department, is a source of very great delay.

The "two or three months at most" mentioned in

the

Your Circular No. 50
of 18th November 73.

Para 2 of L.O. No.
1617 of 20th June 73.

the last clause but one of your Memorandum No. 397 B. of 8th June 1874, is evidently found by the Revenue Department to be quite insufficient, and if the Range Officer did not adopt the second method of acquiring land that you suggested, he could make no progress at all, and works would come to a stand still.

3. The system of acquiring land by taking the written consent of the Proprietor, who of course agrees to take such reasonable compensation as may be fixed by the Revenue Department, and then occupying it in anticipation of formal transfer, has been found of the greatest assistance to the Department in carrying on the new works sanctioned in the Deltas, and no difficulty has hitherto arisen from following it; but you will observe from the accompanying letter of the Acting Head Assistant Collector that it is pronounced to be "undoubtedly opposed to the direct orders of Government," "absolutely illegal," and "cannot be adopted."

4. Mr. Sewell, doubtless, means that there is no authority, so far as the Revenue Department is aware, for adopting that method

* Your Memo
No. 165 of 18th Fe-
bruary 1874 -

method, and I have therefore the honor to request you will be good enough to refer me to the authority under which you prescribed it, or obtain orders of Government sanctioning it.

5. As you will observe by a subsequent letter from the same officer, at whose suggestion I make my present reference to you, he considers it impossible to fix any time to be allowed the Revenue Department for making necessary arrangements for the transfer of land, and there is little experience of the time necessary for taking it up under act X of 1870. Previous experience, however, of obtaining land in the regular manner through the Revenue Department is that it occupies many months, and that a further period of about a year is required before payment is made.

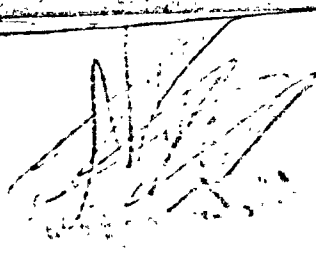
6. But in regard to Mr. Sewell's second letter No. 150 of 4th November 1874, I must also point out that much of it is based on the mistaken assumption that a Revenue Officer is qualified to determine the best site for one of our Delta Works, and whether the line of a canal or channel may not be altered to suit the whims

whims and fancies of individual ryots. In ninety-nine cases out of a hundred, of course, when a Range Officer has determined the best line for such a work it should be constructed there or not at all. Into this mistake, however, they have doubtless been led by the wording of Circular from the Government of India No. 59 A dated Simla 2^d July 1867 (herewith sent) wherein it is laid down that the Civil Officer is "to ascertain whether the object sought cannot be secured otherwise either by obtaining some other plot of land than what was originally intended, or in some other manner". This, however, in the case of Delta works, is quite inapplicable.

I have the honor to be,
Sir,

Your Most obedient Servant.

L. Beatty Major R.E.
District Engineer Godavery-


 No. 74 A.

 P. H. A. 4

Submitted for the orders of Government.

The instructions conveyed to the District Engineer in this Office Memorandum No. 32 of the 13th January 1874 were so far as the second method of obtaining possession of land, viz. by the written consent of the owner, is concerned based upon orders which were sent to Public Works Officers some years since, and the supercession of which by more recent orders on the subject was overlooked. As an Executive Officer the undersigned but seldom experienced even in Tanjore any difficulty in getting land-owners to consent to their lands being occupied in anticipation of their formal transfer and the consequent payment of compensation.

To Genl. J. H. A. Jan 74
 No. 74 A.

The District Engineer
 Godavery.
 To the Chief Engineer
 for Navigation.

Dated 9th January 1875
 Recd 16th

To 3141-1/14
 Case 3.

Bring to notice that the method of taking possession of land for public works with the written consent of the Proprietor in anticipation of formal transfer is pronounced illegal, and requesting authority for it.
 P. H. 337/75

2 The Head Assistant Collector refers to this practice as illegal, but he must mean irregular, which no doubt it is. At the same time, he does not appear to consider that there is any objection to it in principle, provided the Government see fit to authorize it. The orders of the Government of India on the subject of the acquisition of lands for Public Works purposes would seem to have been issued in reference to circumstances differing materially from those prevailing in the rural parts of this Presidency. Land compensation claims are here usually moderate and easy of settlement, and during all the years the undersigned has been connected with irrigation works there has been no case that he is aware of in which any large sum per acre ^{has} been demanded for the land required except perhaps in connection with the Madras Water Works, which was

13th 5
was from the position of the lands near the Presidency exceptional.

3 Such being the case the relaxation of the rule in the case of the Godavari Delta works appears to be desirable. The practice of taking possession with the consent of the owners has it is reported not occasioned any difficulty, and on the other hand conformity to the procedure laid down in the rules of the Government of India will at once create very considerable difficulties and lead to most inconvenient delay in the prosecution of the Delta works, a delay which will result in much greater loss to Government than any possible enhancement in particular cases of land compensation would occasion. If the method detailed by the Head Assistant Collector be followed, it would seem that all that is required in 19 cases out of 20 would be secured.

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4 The Head Assistant Collector is manifestly desirous of doing all in his power to facilitate the transfer of land in the way required by the rules, and had he nothing else to do, and were he alone to manage it no doubt his efforts would be very successful, but where a great many Officers are concerned and many requirements ^{have} to be attended to delay is inevitable. Those ryots who have a strong desire to keep their lands very naturally suggest that a canal or channel should be carried on a different alignment, and to satisfy 3 or 4 Revenue Officers of different grades that a change of line is not expedient is necessarily a work of time, and possibly, as the District Engineer intimates, a work of patience as well. Seeing that to the uninitiated the reasons for the adoption of particular levels must be hard to understand, and the position of an off-take of a branch channel may seem

15th 6
may seem a matter of indifference within a considerable distance either way. Where therefore the land owners acquiesce in the proposal to transfer their lands, it would be a waste of time and power, it is thought, to require that an elaborate process should be gone through when a simple one will answer the purpose, and there can be no question of the superior economy of the simple procedure.

5 It may reasonably be asked however why applications for land are not or cannot be made a year or two before such land is wanted. The answer is that it is merely a question of establishment. Nothing would be easier, had the Delta Officers plenty of time to spare. As it is they have so much more than enough to do to attend to pressing requirements, that it is practically impossible for them to provide for the future as well as the present. When a canal or channel is about to be commenced its working details

details are finally settled, and then and not till then can the exact extent of land required be shown on paper. If thereafter 2 or 3 months will suffice to secure possession of the land the regular process can be adhered to, if not either the more direct arrangement of allowing the land to be occupied with the consent of the owner must be sanctioned, or the works must be frequently postponed until another year.

Camp at
Vaneembady
19 January 1875

William Lindsay Lieut Col R.E.
Chief Engineer for Irrigation.

To
The Secretary to Government
D.P.W.

Received of the
Chief Engineer for Irrigation
the sum of Rs. 100/-
for the purchase of
land for the purpose of
the irrigation works
at Vaneembady
on the 19th January 1875
Wm Lindsay
Lieut Col R.E.
Chief Engineer for Irrigation

Recd
Mrs

Jan 19 1875

Pub Works Department

Proceedings of the Madras Government.
Read the following

from the Chief Engineer for } H. C. No. 77 of 19 Jan 1875
Irrigation } 501

The Government desire to have before them more definite information as to the working of the system under which Range Officers in the Godavery Delta have been in the habit of obtaining the consent of the ryots to the occupation of their lands for the Delta irrigation or Canal works, in anticipation of the settlement of compensation and the formal transfer of the land by the Revenue Officers.

12/1

P. M. 1875 Madras
No. 77 of 19 Jan 1875

No. 537

From
The Chief Engineer for
to the Secretary to Govt.

Dated 19 Jan 1875
Dated 26 Jan 1875
Dated 27 Jan 1875

Enclosed

Note on the method of
obtaining the consent of
ryots for public works
purposes.

No. 537-21-275

1875

1875

It should be shown,
1st on what dates applica-
tions to the Revenue Officers
for formal transfers have
been made, the areas inclu-
ded in such applications,
the dates on which the trans-
fers were made, and the
rates per acre settled in each
case.

2nd What lands have
been taken possession of
and occupied with the con-
sent of their owners and
on what dates, when the
applications for formal
transfer were sent to the
Revenue Officers, when the
transfers were completed,
and what the rates per
acre in each case were.

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of this information the occu-
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21st
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3 It may be noticed
that all applications for
the formal transfer of
lands should be made in
the prescribed way to the
Divisional Revenue Officers
direct, and not to the Taluk
or other subordinate Revenue
Officers.

by 22/1/75

The Chief Magistrate
District of Godavari
Revenue
23-2-75

Govt. of 1875 Madras.
PUBLIC WORKS.

20

The Chief Suppor
Inyation

Uganda

Read.

Ensi ✓

G. O. Lothrop 1875, No.

Nos. 527-528

Panda

Passing orders on
Note by the Chief Eng.
for irrigation on the
method of obtaining
possession of lands
required for Public
Works in the Godavari
Delta -