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MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

G.O. No.	2771	Press
B.P. No.		Mis. —
Dated	16-10-	1876
		-195-

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
16th October 1876. No. 2,771.*

No. 237. Read the following letter from A. B. SAMPSON, Esq., Under Secretary to the Government of India, Public Works Department, (Establishment—Irrigation), to Major-General G. W. WALKER, R.E., Secretary to the Government of Madras, Public Works Department, dated Simla, 23rd August 1876, No. 196 E—I:—

In continuation of Public Works Department No. 159 E—I, dated 13th July 1876, I am directed to forward, for insertion in the book of Circulars already sent,

Circular B of 12th May 1876.
" S-1 of 17th June 1876.
" C of 12th July 1876.

three copies each of the Circulars noted in the margin issued by the Government of the North-Western Provinces.

2. The Government of the North-Western Provinces will be requested to forward direct three copies each of all future issues of these Circulars.

No. 238. ORDER THEREON, 16th October 1876, No. 2,771.

IRRIGATION, No. 28.

Establishment.

COMMUNICATED to the Code Committee and the Chief Engineer for Irrigation in continuation of G.O., No. 2,218, dated 21st August 1876.

(True Extract.)

Major-General, R.E.,
Secretary to Government.

To the Secretary to the Code Committee, with enclosure.
" Chief Engineer for Irrigation.

Exd. S. T. Austin
Spar Copies

Circular C, dated the 12th July, 1876.

13.

THE following extract from G. O. No. C1440W, dated 5th November, 1875, on the removal of obstructions to drainage under the Canal Act, and an accompanying Circular No. ^{D 2}_{IV-52}, dated 15th January, 1876, issued by the Board of Revenue with the purpose of giving effect to these orders, are published for the information and guidance of canal officers.

Removal of obstructions from drainage lines under Act VIII. of 1873.

Extracts from letter No. C-1440W, of 5th November, 1875, from the Secretary to Government, Irrigation Branch, North-Western Provinces, to the Secretary to Government, North-Western Provinces.

"The correspondence regarding the removal of certain obstructions to drainage in the Cawnpore District by Canal Officers, having been referred for explanation, His Honor the Lieutenant-Governor has carefully considered the whole circumstances of the case in this department."

"The facts appear to be these. In March, 1873, immediately after the passing of Act VIII, the Hon'ble Sir W. Muir wrote as follows, in a minute recorded in the General Department, on the 19th March, copies* of which were forwarded to the Irrigation Branch and to the Board of Revenue for consideration. But no further orders appear to have reached District Officers."

"In connection with the same subject is the assumption of power to remove obstructions from rivers, streams, or drainage channels. This may be done either under Part II, when such channel would become part of the canal under section IIIb, or under section 55, on account of injury to public health or public convenience. It will be for the Civil Officers, in communication with the Canal Officers, to consider whether there are any cases at present existing which (if not treated under Part II.) require to be treated under Part VII. The latter part provides also for compensation, section 61, but gives a power, so long desiderated, of imposing an enhancement rate to tax the reclaimed or improved land, section 57, &c." At the same time the Superintending Engineer, 1st Circle, urged the Government to give effect to this part of the law.† Thereupon, the Government, satisfied that obstruction of any river, stream, or drainage channel, can seldom occur without injury to land, or to public health, or to public convenience, instructed each Superintending Engineer,‡ "as soon as may be possible, to furnish a list of all streams and drainage courses in his circle which it is desirable to keep clear of obstructions, in order that necessary action may be taken by Government."

* See ^A_W July, 1873, No. a.

† ^A_W June, 1873, No. 96.

‡ Nos. 841-141C, of 31st March 1873, Proceedings, ^A_W

June, 1873, No. 98.

"The first notification issued in this behalf was the following:—

No. 01345, dated 10th June, 1873.

No. 102 (idem).

"Under the powers vested in him by section 55, Act No. VIII. of 1873, His Honor the Lieutenant-Governor is pleased to prohibit the formation of any obstruction on the rivers specified below, and in their affluents; and whenever any obstruction now existing, or hereafter formed, may be found injurious to the public health, or public convenience, to authorise its removal."

I.—Katha Nadi, &c.

II.—Krishna Nadi, &c.

III.—The East Kali Nadi, &c.

To this Notification was appended this important order No. 01402, dated 11th June, 1873.

VI.—LEGAL PROCEDURE.]

(42F)

Copy of the foregoing forwarded to the Superintending Engineers, 1st, 2nd, and 4th Circles, in continuation of G. O. No. 934-7, dated 9th April last, with instructions that whenever it shall appear necessary to take specific action in any locality under this notification, the opinion of the District Officers, with an estimate of the amount of compensation that will be entailed, must be submitted for the orders of Government, together with a clear report of the nature of the obstructions to be removed, the injuries caused by them, and the limits within which it is proposed to remove them, before any attempt is made to put the law in force."

Numerous rivers and streams have since been notified under the same section, and it seems probable that there are many obstructions to drainage which ought to be removed.

Action has been taken in some instances, but without regard to the order appended to the first notification.

On reconsideration of the whole subject, it now appears to the Lieutenant-Governor in this department that the issue of these notifications was not in accordance with the requirements of section 55 of the Act. A notification under that section can only be issued after the local Government has satisfied itself that injury to any land, or to the public health or convenience, has actually arisen, or may arise within certain defined limits, from the obstruction of a river, stream, or drainage channel, and orders prohibiting the formation or directing the removal of such obstruction can only be issued in regard to that portion of the river, &c., which is comprised between the limits which have been defined. The notification cannot (as these notifications are) a general one, applicable to rivers where obstructions may hereafter, on enquiry, be found to exist. The notification must be specially directed to prevent or to remove a particular obstruction, which either exists already or may probably arise.

"If the orders of 11th June, 1873, had been carried out in the cases which have come under the notice of Government, the ultimate result would have been the same as that contemplated by the law, for no action could in any case have been taken until the Government had been satisfied that it was required. Those orders, however, did not cure the irregularity of the notifications, which, as it now seems to the Lieutenant-Governor in this department, must be held to have no legal validity.

"Copies of the notifications and orders were sent to the Commissioners of Meerut, Agra, and Allahabad Divisions, to the Secretary to Government, North-Western Provinces, in the General Department, and to the Board of Revenue, for information; but it does not appear that the legal mistake was noticed, or that any orders were issued in the General Department, or by the Board, to secure the co-operation of District Officers in carrying out the proposed measures.

It seems to His Honor in this department that it will be advisable to promote a joint investigation of revenue and canal officers, and that reports should be submitted to Government classifying the entire obstructions found under heads of:—

1. Injurious to any land.
2. Ditto to public health.
3. Ditto to public convenience.
4. Harmless.

"Estimates of the probable amount of compensation that would be granted for the removal of obstructions are also requisite."

"It is to be observed that the object of Part VII. of the Northern India Canal and Drainage Act is to promote the efficient drainage of the country, and that the provision of section 61 shows it was not supposed this measure could be carried out without expense."

"Admitted requirements should not, therefore, be set aside by the local officers on account of the probable cost of compensation, without first obtaining the orders of Government. When these enquiries have been completed, the proper course to follow would be to cancel the notifications which have already been issued, and to issue, when necessary, fresh notifications, in more strict accordance with the requirements of the law, but it does not seem desirable to cancel the notifications before the enquiry is made, as to do so might lead to misunderstanding of the real intentions of the Government and to practical difficulties."

(43F)

[VI.—LEGAL PROCEDURE.

"These remarks apply to all the notifications issued under this section of the Act as per list appended, and early action is necessary in carrying out the investigations ordered that fresh notifications may issue where necessary. In supersession of the original notifications, orders in this sense have already been given by the Board of Revenue in Circular No. D2—IV52 of 15th January, 1876, copy of which is appended for reference, and the Canal Officers are directed to co-operate with the Revenue Officers in the enquiry which has been ordered.

Circular No. D2 dated Allahabad, the 15th January, 1876.
IV-52,

I AM desired to forward, for your information and guidance, the accompanying extract from an order by His Honor the Lieutenant-Governor in the Irrigation Department, No. C-1440 W, dated 5th November, 1875, and to ask you to direct the District Officers of your Division to lose no time in arranging with the Canal Officers, who may have jurisdiction in their districts, to carry out the orders of Government.

In framing their reports the reason for classifying each obstruction should be briefly but clearly given, and each river or line of drainage should be separately dealt with, and a map should be prepared showing clearly the rivers, lines of drainage, &c., and the position of the obstruction to be removed. The class of each obstruction should be denoted on the map by its number in the list contained in the Government Order hereto appended.

Extract from an order by His Honor the Lieutenant-Governor in the Irrigation Department, No. C-1440 W, dated 5th November, 1875.

"It seems to His Honor in this Department, that it will be advisable to promote a joint investigation of Revenue and Canal Officers, not only in the Cawnpore but other districts, and that reports should be submitted to Government classifying the entire obstructions found under the heads of—

- | | |
|-----------------------------|--------------------------------------|
| "1. Injurious to any land. | "3. Injurious to public convenience. |
| "2. Ditto to public health. | "4. Harmless. |

"Estimates of the probable amount of compensation that would be granted for the removal of obstructions are also requisite."

"It is to be observed that the object of Part VII. of the Northern India Canal and Drainage Act is to promote the efficient drainage of the country, and that the provision of section 61 shows it was not supposed this measure could be carried out without expense."

"Admitted requirements should not therefore, it is considered, be set aside by the local officers on account of the probable cost of compensation, without first obtaining the orders of Government."

List of Rivers and Streams notified under Act VIII. of 1873.

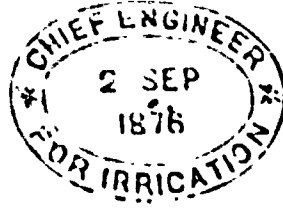
Name of River.	Description.	Number of notification.	Date.
<i>First Circle.</i>			
East Kali Nadi, ...	Rising in Muzaffarnagar and flowing through Meerut, Bulandshahr, Aligarh, Mainpuri, and Farukhabad into the Ganges on border of Cawnpore District.	013431-C,	10th June, 1873.
Jampur, ...	Rising in the Siwalik Hills and flowing into the Ganges, in the Saharanpur District.		
Jair, ...	Rising in the Saharanpur District, and flowing into the Hindan, in the Muzaffarnagar District.		
Jamun, ...	Rising in the Siwalik Hills and flowing through Saharanpur, Muzaffarnagar, and Meerut Districts into the Jumna below Ghakabad.		
West Kali Nadi, ...	Rising in Muzaffarnagar and flowing into the Ganges in Meerut District.		
Indus River, ...	Rising on the confines of Muzaffarnagar and Meerut Districts and flowing past Meerut city into the East Kali Nadi.		
Meerut Drainage, ...	Rising in the Meerut District and flowing west of Meerut city into the East Kali Nadi.		
Abu Nala, ...	Rising in the Meerut District and flowing south into the Anupshahr District.		
Chaboiya Nala, ...	Rising in the Meerut District and flowing south into the Anupshahr District.		
Little, ...	Rising in the Meerut District and flowing south into the Anupshahr District.		
Kabiraj Drainage, ...	Rising in the Meerut District and flowing south into the Anupshahr District.		
Kurata Nala, ...	Rising in the Meerut District and flowing south into the Anupshahr District.		
Pana Nala, ...	Rising in the Meerut District and flowing south into the Anupshahr District.		

Name of River.	Description.	Number of notification.	Date.
<i>Second Circle.</i>			
Cholas Drainage Line, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.	C-46W,	7th Jan'y., 1874.
Bural ditto ditto, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Yasun Nadi, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Bind Nadi, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Soyagar ditto, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Ganda Nala and Salarpur Drainage, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Chaboiya Nadi, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Chaboiya Nala, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Jauli Drainage, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Miranpur Drainage, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Alipur Mousa Drainage, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Mehulwala Drainage, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Shahjahanpur Drainage, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Fatehpur Drainage, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Dotase Drainage, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Badurka Drainage, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Pandu River, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		
Nan ditto, ...	Rising in the Meerut District and flowing into the Ganges in the Meerut District.		

List of Rivers and Streams notified under Act VIII. of 1873—(concluded).

Name of River.	Description.	Number of notification.	Date.
<i>First Circle—(concluded.)</i>			
Farhar or Peru Nala, ...	Rising near Pachar and flowing through Cawnpore District into the Gauges near Nawabganj.	C-46W,	7th Jan'y., 1874.
Newar Nala, ...	Rising near the village of Muratpur and flowing into the Nadi near Silauli in the Cawnpore District.		
<i>Eastern Jumna Canal.</i>			
Katha Nadi, ...	Rising in Saharanpur District and flowing into Jumna in Muzaffarnagar District.	013451-C,	10th June, 1873.
Kuraul Nadi, ...	Rising in Saharanpur and flowing through Muzaffarnagar into the Hindan in Meerut District.		
Nagadeo Nadi, ...	Ditto	Notification No. 18181-C	31st July, 1873.
Duxola Nadi, ...	Ditto		
Pandoi Nadi, ...	Ditto		
Sirsawa or Bhadli Jumna Nadi,	Ditto		
Chakwali Drainage Line, ...	Ditto		
Shamli Nala, ...	Ditto		
Sadhi Nadi, ...	Ditto		
Agra Canal.	Ditto		
Kharti ditto, ...	Ditto		
Western drainage, ...	Ditto		

<i>Tohikhland Canals.</i>			
Buzoor river, ...		27211,	24th Nov'r, 1873
Taha river, ...			
Bent river, ...			
Kichla river, ...			
Dhora river, ...			
Lunkha river, ...			
Dhorunsa river, ...			
Nakuta river, ...			
Dygoon river, ...			
Punjyala river, ...			
Absurea, ...			
Kylas river, ...			



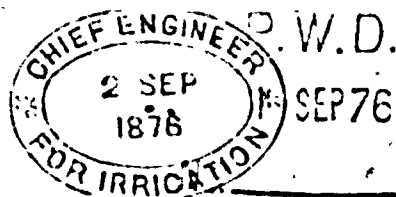
PN 1316
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No. , dated , 187
PUBLIC WORKS DEPARTMENT, NORTH-WESTERN PROVINCES, IRRIGATION BRANCH
Application to the Government of India for a re-appropriation of Budget Grant.

Proposed new grant.										Proposed reduction.							
Head of service.	Item number of Budget.	Works.	Amount of estimate.	Outlay to end of previous year.	(Original grant for current year.	Existing grant for current year.	Proposed increase.	Grant as now proposed.	Head of service.	Item number of Budget.	Works.	Amount of estimate.	Outlay to end of previous year.	(Original grant for current year.	Existing grant for current year.	Proposed reduction.	Amount at which grant for work will stand after reduction.
Capital Extraordinary.	1	Ganges Canal Remedial Works. (1) Head-works. C.—Works. Facing Bhimgoda Weir with masonry. Northern Division, Ganges Canal.	8,000	15,000	6,000	6,000	9,000	15,000	Capital Extraordinary.	6	Ganges Canal Remedial Works. (2) Main Canal and Branches. ii.—Anupshahr Branch. ii.—Escapes. Shana Escape, Anupshahr Branch Extension.	1,53,413	86,000	12,500	12,200	9,000	5,000
	70	Lower Ganges Canal Project. (2) Main Canal and Branches. F.—River and Hill Torrent Works, Kahi Nadi Aqueduct, Kahi Division, Lower Ganges Canal.	3,29,546	2,00,000	50,000	50,000	50,000	5,000		55,000	72	G.—Bridges and Ferries, Barwari Bridge, mile 27, Kaganj Division, Lower Ganges Canal.	22,108	10,000	10,000	10,000	5,000

* See page 2 of Detailed Budget, Part III, for 1876-77.
† See page 9 of Detailed Budget, Part III, for 1876-77.
NOTE.—Explanation of necessity for re-appropriation should also be given.

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(48D)

[Accounts.]

Circular B, dated the 12th May, 1876.

PUBLIC WORKS CIRCULAR No. 70, DATED 21st DECEMBER, 1875,
CONVEYING ORDERS AS TO THE FORM OF APPLICATION
FOR RE-APPROPRIATION OF BUDGET CREDITS.

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Modification
of form of ap-
plication for
re-appropri-
ation of bud-
get credits.

THE above orders will be brought into use from the commence-
ment of the current financial year, and the following instructions
will be useful as a guide in carrying out the orders.

1. A re-appropriation must be asked for whenever funds are
required for a work which either has no allotment or an insufficient
one in the detailed budget, and if the proposed re-appropriation is
from an allotment in Part III., some other work entered in the
detailed budget must be selected from which to divert funds.

2. Care must be taken in selecting an allotment to choose one,
from which there is good reason to suppose that the funds can be
spared. Due forethought should be exercised in this respect that
it may not be necessary later in the year to ask for additional
funds for a work from which a grant has been diverted.

3. All necessary details connected with the allotment selected
must be carefully entered in the columns of the right-hand half of
the form.

4. By Public Works Resolution No. 197-207AI, reprinted
at page 36D of the collection of circulars, this Government is
empowered to re-appropriate between sub-heads from D to K inclu-
sive, within the same main-head for a main canal or branch. Con-
sequently in diverting funds, a work should be selected which falls
under the same main head as the work for which funds are required,
and if the work is classed under one of the sub-heads D to K, an
allotment should be selected under one of these sub-heads. Re-
appropriations between different main heads as from (2) Main Canal
to (3) Distributaries, and also between canals and branches, should
be avoided as far as practicable.

In the form attached an instance of re-appropriation is entered
for illustration.

The form of application will be made a standard form, and will
be supplied by the Examiner, Public Works Accounts, North-West-
ern Provinces, on indent.

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(48F)

[VI.—LEGAL PROCEDURE.]

Circular S.1, dated Allahabad, the 17th June, 1876.

Is the rules for procedure in the acquisition of land under Act
X. of 1870, published with Circular S. of 1875, for the 1st para.
of Rule III., the following is substituted:—

3. "The departmental officer shall then, in consultation with
the Collector of the district, prepare and submit for sanction an
estimate," &c.

The above modification, ordered by the Government of India,
necessitates a slight modification of the departmental rules of Cir-
cular S., as follows:—

To Rule IV. add the following:—

"The Collector, after entering in the schedule the estimated
value of the areas, will return the documents to the canal officer."

In Rule V., para. 2, for "it is the basis of the valuation which
the Collector will prepare under Rule III." read "it is the basis of
the valuation which the departmental officer, in communication
with the Collector, will prepare under Rule III."

The following correspondence explanatory of Circular S. is
republished for information and guidance:—

Extract from docket No. 2314, dated 23rd November, 1875,
from Executive Engineer, Aligarh Division, Ganges Canal, to
Superintending Engineer, 1st Circle.

Reply to points raised in above, G. O. No. 857W, dated 17th
June, 1876.

Extract from a Docket No. 2314, dated 23rd November, 1875, from
the Executive Engineer, Aligarh Division, Ganges Canal.

Has the honour to request information regarding some doubtful points in Cir-
cular S. of 1875.

Rule XII.—What village map is here referred to?

There is one only in this division, viz., that with the measuring establishment,
which gets worn out so fast by exposure to weather that it cannot be used for so
important a record. Is it intended that all land taken up by Irrigation Depart-
ment should be shown on atlases of village maps kept for this purpose in the divi-
sional office, in supercession of separate plans for each work as now kept? Does
the word *on* mean that the fac-simile, if not actually drawn on the village map,
is to be pinned or pasted to it; and may the schedule, of which a fac-simile is to
be kept, be the actual statement in Form XI. furnished by Collector, referred to
in para. 17 of Rules for Collectors?

No. 857 W., dated the 17th June, 1876.

From—COL. W. H. GREATHED, C.B., R.E., Secy to Govt., N.-W. P.,

To—MAJOR C. S. MONCRIEFF, R.E., Supdy. Engr., 1st Circle.

With reference to the Superintending Engineer's No. 4558, dated 30th Novem-
ber, 1875, forwarding a letter from Executive Engineer, Aligarh Division, asking

Artu
Sectro No. 2771

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

UNDER date the 16th Octr 1876

Read the following:—

The Govt of India (No. 196 C. I. of 23rd Aug 76)

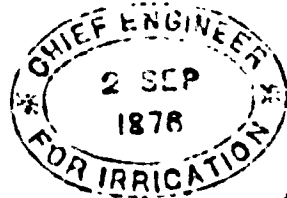
*Communicated to the
Code Committee, and the Chief
Engineer for Irrigation, in
continuation of G.O. No. 2218
dated 21st August 1876.*

hmf

Aug 14/76

Arch. to the Code Committee with Encl. 1
C. I. No. 1

Depd. 26-10-76



VI.—LEGAL PROCEDURE.]

(49F)

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1

for explanation upon certain doubtful points of Circular S. of 1875, the Secretary to Government is directed to reply as follows:—

1. In all cases when copies of the village maps from the Survey Department or other sources are not furnished, the Executive Engineer should have a copy of the village maps taken for record from the settlement office map. It may be remarked that copies of all village maps will be shortly furnished, and meanwhile copies of those maps only need be procured which are from time to time required as records for the acquisition of land.

2. The orders of Circular S. of 1875 are not intended to affect previous instructions regarding the records of land acquired under Act X., which will remain in force. The plan of registering the land in the manner described on the village maps will afford a further record, easily accessible, of all the Government land in a division, and will show its geographical position.

3. The plan should be transferred to the map in red or other coloured ink, so as to be a record as permanent as the map itself. The schedule on the map, corresponding to the tracing, need not be so complete as Form XI., which will be recorded with the file. It will be sufficient to show in parallel columns—

1. The record number of land-plan, &c.
2. The purpose for which the land was taken up.
3. The date of appropriation.
4. Area appropriated.
5. Cash compensation paid.

13/6
1876

Govt. of 1876 Madras.

PUBLIC WORKS.

To *the Secy to the Code Committee*

Dated

Issued

Recd.

Encl.

G. O., 15th October 1876, No 2771

Nos.

In circular form.
24/10/76

Circulars issued by the
Government of Madras

Letter from the Govt. of India
forwarding three copies
each of certain —

Annex to the Code Com-
mittee and the Ch. Engr
for Engr.

Engr. in Charge
27-10-76