

(1) Number of pages _____

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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2772	Press	<i>Rymer</i>
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. 2,772.*

No. 239. Read the following letter from the Assistant Secretary to the Government of the North-Western Provinces in the Public Works Department, (Irrigation Branch,) to Major-General G. W. WALKER, R.E., Secretary to the Government of Madras, Public Works Department, dated Allahabad, 9th September 1876, No. 1,780 E:—

I AM directed to forward herewith three copies of each of the following Circulars to be arranged in their proper places in the book of Irrigation Circulars:—

Circular D. of 1876.

„ E. of „

„ No. 1,806 W of 1876.

(Signed) C. W. PRIESTLEY,
for Asst. Secy. to the Govt. of the N.W.P.,
in the P.W.D., Irrigation Branch.

No. 240. ORDER THEREON, 16th October 1876, No. 2,772.

IRRIGATION, No. 29.

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, with do.

Exd. S. T. Austin.
Spare Copies

Circular No. 1608 W., dated Allahabad, the 24th August, 1876.

Resolution by HIS HONOR THE OFFICIATING LIEUTENANT-GOVERNOR, NORTH-WESTERN PROVINCES, on taking up land for procuring earth required for repairs to distributaries, and planting trees along distributaries.

14.
On taking up land for procuring earth required for repairs to distributaries, and planting trees along distributaries.

READ—

Proceedings of Government, North-Western Provinces, Nos 33 to 36, January, 1875.

Board's No. 1278, dated 30th July, 1875, with enclosures.

Opinions of canal officers.

In June, 1874, the Board of Revenue pointed out that much hardship was suffered by cultivators—(1) from the practice of excavating earth from their fields for the purpose of repairing the banks of canal distributaries; and (2) from the trees planted in many cases along the outer edges of these distributaries, which exhaust the soil in their neighbourhood and injure the adjoining crops by their shade.

2. A great deal of correspondence has taken place on the subject, and His Honor considers that the discussion may now be advantageously closed by the issue of definite orders on the subjects of complaint.

3. Regarding the obtaining of earth for the repairs of banks, the following rules are to be observed:—

- (a) Sufficient land for constructive purposes shall in the first instance always be taken up permanently or temporarily, according to the requirements of the case.
- (b) Additional land shall only be taken up where the banks are liable to be breached, and consequently where there is likely to be a recurring demand for fresh earth.
- (c) The excavation of earth for repairs from adjoining fields is strictly prohibited, except—
- (d) In case of any accident happening, or being apprehended, to a canal or its distributary, when the provisions of section 15, Act VIII. of 1873, may be applied.
- (e) Where a formal order recording the necessity for taking up the land for that purpose has been given by the Executive Engineer or by his Assistant in charge. The Executive Engineer will be held responsible in all such cases that immediate notice of the occupation of the land is given to the Collector of the district, with whom will

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VIII.—PROFSL.—(B) DEPT.]

(13.1)

rest the responsibility of giving just and speedy compensation.

(f) Where the Executive Engineer has made a bargain with the occupant of the land and obtained his consent to the necessary excavation.

4. Having carefully weighed the arguments for and against the planting of trees along the outer edges of canal distributaries, His Honor considers that the practice should in future be discontinued.

5. The main arguments advanced in favour of the practice are—(1) that the damage done by them to the adjacent crops is more than counterbalanced by the comfort afforded to the public by their shade; and (2) that in view of the increasing scarcity of timber in the country, Government ought to encourage the growth of trees in every possible way.

6. The fallacy underlying both these arguments is the proposal to confer a certain amount of benefit on the general public at the expense of individuals, and those individuals of a class the least able to bear the burden which it is sought to throw upon them. The injustice of largely reducing the productivity of a small plot of land by which a struggling cultivator maintains himself and his family, in order that the cowherds of the village and travellers along the rājāhā bank may enjoy the shade of a tree planted upon it, is sufficiently apparent to require much comment.

7. The objections to the practice are manifold. It is a limited on all hands that the trees injure the adjoining crops by their shade, and they do so also by affording a harbour for vermin, such as parrots, monkeys, and squirrels; the fallen leaves choke up the beds of long and heavily planted distributaries to a very serious extent at certain seasons of the year; and the impossibility of properly protecting the trees so planted must lead to constant disputes between the canal department and the villagers.

8. The Board justly urge in objection to the proposal to make over the trees to the zemindārs whose fields they adjoin, that it compensates the zemindār for a loss sustained by the cultivator, and leaves them to settle the matter together.

9. His Honor therefore considers that the planting of trees should be strictly limited on distributaries to land already taken up by the department for the purpose of depositing silt cleared from the channels, and that even then no tree should be planted within ten feet of the outer boundary of such land.

(50f)

[VI.—LEGAL PROCEDURE.

Circular No. E. of 1876, dated Allahabad, the 24th August, 1876.

15.
Restoration
of unoccupied
land.

THE following extract from G. O. No. 2006, dated 30th August, 1872, on the restoration of unoccupied land is republished for the guidance of Canal Officers, and for inclusion in the printed collection of standing orders of this department :—

Extract, paras. 2, 3, 4, 5, and 6, of letter from the Officiating Joint Secretary to Government, North-Western Provinces, Irrigation Branch, to Superintending Engineer, 1st Circle, Irrigation Works,—No. 2006 I.C., dated Naini Tal, the 30th August, 1872.

2. Any land not required by the Canal Department for plantations will be summarily re-settled in the Revenue Department, and will then be given back to the zemindārs on repayment of the compensation originally received by them, less the cost of putting the land in culturable order again. If any zemindār prefers it, the Irrigation Department will level the land again before restoration; and supposing it not to have been permanently deteriorated by the stacking of silt or otherwise, he will then have to repay the whole amount of compensation received by him.

3. Superintending Engineer should therefore direct Executive Engineers to have all land required for plantations or other purposes first marked off, taking care not to retain more than is absolutely required; and then to ascertain the wishes of the zemindārs regarding the repayment of compensation for the remainder through the Collector.

4. Should any of the zemindārs wish the land levelled before it is restored, Superintending Engineer should submit an estimate of the cost, unless it is within his powers of sanction.

5. Trees that have been planted on the land by the Canal Department should be valued and offered for purchase, or in part payment of compensation, to the zemindār; if he declines to take them, they should be cut down and sold. Trees of spontaneous growth should be left to the zemindār free of charge.

16. Divisional Officers should from time to time review all unoccupied lands, or lands unnecessarily retained by the Canal Department; wherever an absolute necessity for continued occupation no longer exists, the Canal Department is bound, in justice, of its own accord to give up possession.

VIII.—PROFES.—(B) DEPT.]

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(f) Where the Executive Engineer has made a bargain with the occupant of the land and obtained his consent to the necessary excavation.

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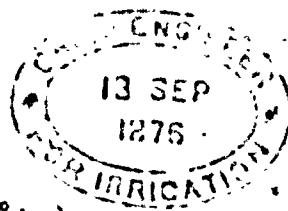
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15.
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III.—ESTABLISHMENT.

Circular D, dated 21st August, 1876.

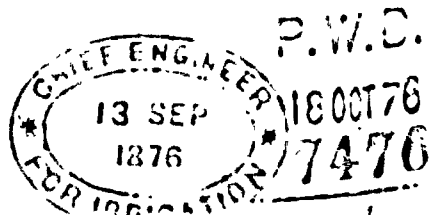
1. In continuation of Circular C of 1875, it is requested that Superintending Engineers will abstain from passing on the names of candidates for examination in Canal Law and Procedure, unless they belong to one or other of the following classes of establishment:—

1. Executive and Assistant Engineers.
2. Upper Subordinates.
3. Sub-overseers employed on running canals.

2. The above restriction is necessary to prevent the time of examiners being needlessly taken up in the examination of a number of candidates who have no fitness whatever for the post of Canal Deputy Magistrates, but who appear to think that the mere fact of passing an easy examination will confer upon them a claim for appointment.

3. It is further intimated that no name can be registered for examination after the 1st March. This rule will be strictly enforced.

31
Candidates
eligible for
examination
for magis-
terial powers.



No. 1780 E. of 1876

Government of the M.S. Govt.

P. W. Dept.

(Irrigation Branch)

D. Madras the 9. of Sept. 1876

To

The Secy. to the Government of
Madras P. W. Dept.

Irrigation

Sir

I am directed to forward herewith 3
copies of each of the following circulars to be arranged
in their proper places in the Book of Irrigation
Circulars.

Circular — D. of 1876.

— " — E. of 1876.

— " — No. 1004. W. of 1876.

I have the honor to be

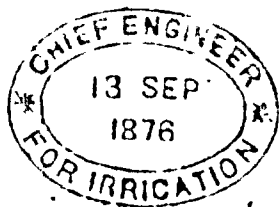
Sir

Yours most Obedt. Servt.

C. Christie

Asst. Secy. to the Govt. of the M.S.

in the P. W. Dept. of 1876.



P.V.D.
100176
7476

1867/11

From
The Government of the
North Western Provinces

Dated 9th September 1876.

100176-1480 &c.

Submitting three copies
of each of the Circulars to be arranged
in their proper places in the Books
of Irrigation Circulars.

P. I. Form No. 22.

No 2772

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 16th Octr 1876

Read the following:—

From
The Govt. of the N.W.P. (H.E. No. 1780 & 479th Sept 76)

Communicated to the
Code Committee and the Chief
Engineer for Irrigation in con-
tinuation of G.O. No. 2218 dated
21st August 1876.

[Signature]

14/10

Subd to the Code Committee with Encl
C. E. P. S.

Sept- 25-10-76

7176 (H)

Govt. of 1876 ~~India~~
PUBLIC WORKS.

To *the Secy to the C. & D. Committee*

Dated

Issued

Recd.

Encl.

G. O., 11th October 1876, No. 2772

Nos. 230/40

Circular

Letter from the
Government of the
North Western Provinces
forwarding copies of
each of certain —
sent to the C. & D. Com-
mittee, and Chief
Engineer for Irrigation

26-10-76
syll