(1) Number of pages 5 26

(2) Date of repair

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W DEPARTMENT

G.O. No. / B.P. No. 3428 — W

Press. / Mis.

Dated 23-12-1882 — — M.

V. S. M

Not to be folded or roughly handled.

Archives I—10,006—19-4-79.

23rd December 1882, No. 3428 W., Public Works.

3428
1

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

No. 183.

Read—the following papers :—

G.O., dated 14th September 1882, No. 977, Revenue.

Read—Proceedings of the Board of Revenue, dated 18th August 1882, No. 2069, submitting with remarks letter from Collector of North Arcot reporting regarding Zemindari tanks on the line of railway, and applying for the services of a Supervisor or other officer of the Department of Public Works to prepare estimates, &c.

Order—dated 14th September 1882, No. 977, Revenue.

The Government are of opinion that the Executive Engineer is in charge of all tanks and rivers in his division. The Collector will be guided by the instructions contained in G.O., dated 15th June 1882, No. 379 R., Public Works Department.

2. The cost of repair is recoverable from the Zemindar under Section 4, Act I of 1858.

3. Paragraph 4 of the Collector's letter will be disposed of in the Public Works Department.

(True Extract.)

(Signed) E. F. WEBSTER,
Secretary to Government.

No. 183-A.

From the Advocate-General, dated 24th October 1882, No. 6170, and endorsement thereon by the Revenue Department, dated 8th November 1882, Mis. No. 3606.

No. 183-B.

No. 318.

Note by the Chief Engineer for Irrigation.

I enclose a statement showing, so far as information is available, the number of tanks immediately affecting railways which are other than Government property.

2. I have all along maintained that the Executive Engineers are unable to look after Zemindari tanks, and that it is of little use to repair the tank immediately overlying the railway while several tanks in the basin above it are neglected and liable to breach. The officers of the Railway Branch seemed to think that Collectors could, legally or illegally, enforce emergent repairs being carried out if an officer of this department brought to notice that a tank was in a dangerous state, I therefore made the suggestion that the Collector of the district should be considered in charge of the works, and the Superintending Engineer should arrange for having the tanks inspected yearly, which would mean that a subordinate would be told off to visit each tank and make a *repair* estimate which would be sent to the Collector. This estimate would provide for raising the bank to what would ordinarily be considered a safe height above the high water mark and for doing such repairs to the masonry works as were considered necessary to prevent failure. To estimate for a provision of proper length of escape (which in all cases is very necessary) could not be done, as it would entail the examination and survey of, in many cases, a long chain of tanks, and take a very long time.

I have made this proposition to meet what I understand to be the desire of the Railway Branch, knowing it to be a half measure, and feeling sure that legal action is necessary before the matter can be dealt with satisfactorily. I object altogether to laying the burden of seeing the Zemindari tanks affecting the railway are in good order on the Executive Engineer, who has already quite enough work to do, and making him the professional scape goat.

(Signed) J. O. HASTED, Colonel, R.E.,
Acting Chief Engineer for Irrigation.

20th December 1882.

ENCLOSURE.

STATEMENT showing the Zemindari, Inam and private Tanks, &c., that affect the Lines of Railways.

Districts.	Number of Zemindari Tank.	Mittah Tanks.	Inam Tanks.	Dasabandam Tanks.	Shrotriem Tanks.	Private Tanks.	Devastanam Tanks.	Madam Tanks.	Total.	Remarks.
Bellary	..	..	..	..	..	3	..	..	3	This statement does not include the tanks in Chinglepat and Madura Districts, as the returns do not show distinctly the Zemindari and private tanks. In Coimbatore and Presidency Divisions all tanks affecting the railway are Government tanks.
Cuddapah ..	..	..	..	..	1	..	..	..	1	
North Arcot ..	23	..	..	..	..	1	..	..	23	
Salem	..	85	..	8	..	..	..	..	93	
Trichinopoly ..	..	..	52	..	..	32	9	..	93	
Tanjore.. ..	6	2	1	..	..	..	..	..	9	
Tinnevelly ..	11	..	14	..	..	..	6	1	32	
South Arcot ..	..	..	..	..	..	3	..	..	3	
Total ..	39	87	67	8	1	39	15	1	257	

(Signed) J. O. HASTED, Colonel, R.E.,
Acting Chief Engineer for Irrigation.

No. 184.

ORDER—dated 23rd December 1882, No. 3428 W., Public Works.

The Government are of opinion that no immediate action is necessary on the proposal in paragraph 4 of the Collector's letter, as to the execution of emergent work which could not now be carried out till long after the monsoon.

2. Pending legislative action, which has been recommended* to the Government of India, the Superintending Engineers concerned will arrange to have Zemindari tanks immediately affecting lines of railway inspected by an officer or competent subordinate, and to report to the Collector the work necessary to be done in each case to render the tanks safe.

(True Extract.)

Captain, R.E.,
Ag. Under Secy. to Govt., P.W.D.

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

Exd. S. T. Austin.
Spare Copies

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* Letter No. $\frac{379}{A}$ R., dated 15th June 1882.

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of [1882] Madras.

PUBLIC WORKS.

Dated December, 23rd.

Recd. *Encl.*

G.O., 23rd Dec. 1882, No. 3428 W.

DECEMBER.
Nos. 183-184.

Zemindari Tanks affecting lines of Railway.

Repair of—.

3428

GOVERNMENT OF MADRAS

PUBLIC WORKS DEPARTMENT

Railway.

Read the following paper:—

No. 37. From the Consulting Engineer for Railways, dated Madras, 8th June 1882, No. 150 A.

From A. J. STUART, Esq., Acting Collector of North Arcot, to the Consulting Engineer for Railways, dated Chittoor, 19th May 1882, No. 25.

I have the honor to give in the margin the different dates on which orders were sent to the Zemindar of Karvetnagar directing him to execute the repair of such of the tanks there named as have been reported by the Railway Department for the protection of the Railway line, and to state that with regard to most of them he has not yet taken any proper steps to put them in order, and in respect to others, the measures he has taken are quite insufficient.

Names of Tanks	Dates of orders
1. [illegible]	4th, 16th, and 18th June 1881.
2. [illegible]	[illegible] June 1881, [illegible] October [illegible] and 16th December 1881.
3. [illegible]	4th, 16th, and 18th June 1881.
4. Do. (small)	
5. [illegible]	19th August, [illegible] November 1881, [illegible] and 20th December 1881.
6. Do. (small)	[illegible] and 12th November 1881.
7. [illegible]	19th February 1882.
8. [illegible]	
9. Iyaneri	3rd April 1882.

2. The Deputy Tahsildar of Tiruttani, on Mr. Whiteside's order, has prepared estimates for repairing seven of these tanks, and is engaged on two more. They aggregate Rs. [illegible], an amount so large that I do not see how they can be executed except by a Public Works Department Officer specially deputed for the purpose; the Executive Engineer has informed me that he is not able to undertake them with his present establishment. It seems also very necessary that estimates for so large an amount should be revised by some one with professional knowledge. Especially from what I have seen myself of some of them, I think they are in excess of what can legally be required of the Zemindar, viz., that he should execute the rough repairs to the tanks, sluices, and calingulahs, if any, which already exist, the construction of new works not being a matter which can be insisted upon at his expense.

3. I trust, therefore, that you will be so good as to report to Government the urgency of the case, and to ask that a special Public Works Department Officer or subordinate may be deputed to the work and funds allotted for the purpose by Government, to be recovered from the Zemindar on the completion of the works.

4. I am aware that the circumstances of the Zemindar in respect of his debts are such that there is no certainty of his being able to provide the funds required for the purpose. He has up to now only carried out work on four of the above tanks, said to amount to Rs. 6,700, not certainly over-stated.

Submitted for the consideration of Government.

2. The Agent of the Madras Railway Company having brought to notice that certain tanks, within the Zemindari of Kárvetnagar, had been allowed, through want of necessary repairs, to fall into a condition which threatened injury to the line of Railway, the Collector of North Arcot was addressed, in view to the Zemindar being called on to have the tanks placed in a proper state of repair.

3. In the letter now laid before Government, the Collector states that, in spite of numerous notices sent to him, the Zemindar has not yet taken any proper steps with respect to most of the tanks in question, while, with respect to others, the measures he has taken are quite insufficient.

4. Mr. Stuart adds that estimates for the repair of seven tanks, amounting to Rs. 37,238, have been prepared in the Revenue Department; and he requests that a special officer or subordinate from the Public Works Department may be deputed to revise the estimates and to execute the work, funds being "allotted for the purpose by Government, to be recovered from the Zemindar on the completion of the work."

5. This is not the first occasion on which the Madras Railway has been endangered by irrigation works lying above the line within the Kárvetnagar Zemindari.

In 1865 and 1866 certain tanks, belonging to the Zemindar, burst, and caused considerable injury to the line of Railway. The Madras Railway Company thereupon brought an action in the Chittoor Court against the Zemindar for recovery of the sum of Rs. 45,000, said to have been the amount of damage sustained by them; and it may be well to state briefly the history of that suit.

6. In the first instance, the suit was dismissed by the Civil Judge of Chittoor, on the ground that the plaint did not disclose a cause of action; but on appeal, it was remanded by the High Court for trial upon the merits. The Civil Judge then found that the Company had undoubtedly sustained damage by the bursting of the Zemindar's tanks; that such injury was not the result of default or neglect of the Company, but that the Zemindar was not liable for the loss sustained by the Company, as he had used reasonable and proper precautions to guard against all ordinary accidents; that the bursting of the tanks was an extraordinary accident, and that the Zemindar was not bound to provide against such. The suit was therefore dismissed with costs. On appeal, that judgment was upheld by the High Court. On further appeal, the Privy Council held that the principle, that a man in exercising a right may be liable without negligence for injury done to another, being inapplicable to rights conferred by statute, was inapplicable to the case of the Zemindar, which was analogous to that of persons on whom statutory rights had been conferred and statutory duties imposed; inasmuch as the tanks were ancient and part of a national system of irrigation recognised by law, and their maintenance was a duty in many instances devolving on Zemindars, who have no power to do away with the tanks in which large numbers of people are interested. On this point, the Privy Council quoted the ruling by Chief Justice Cockburn:—"Where the legislature has sanctioned and authorised the use of a particular thing, and it is used for the purpose for which it was authorised, and every precaution has been observed to prevent injury, the sanction of the legislature carries with it this consequence, that if damages result from the use of such a thing independently of negligence, the person using it is not responsible." As to the question of negligence, the Privy Council observed that the Court below had quoted and applied Baron Alderson's definition:—"Negligence consists in the omitting to do something that a reasonable man would do, or in the doing something which a reasonable man would not do, in either case unintentionally causing mischief to a third party." The Privy Council apparently accepted that definition; and, on the question of fact whether or not negligence was proved by the evidence, they saw no sufficient reason to depart from the rule of not disturbing the concurrent finding of two Courts. The appeal was therefore dismissed with costs.

21st January 1869.
18th " 1870.
26th September 1870.

15th February 1871.

3rd July 1874.

3428/10

7. In the case of the tanks alluded to in the letter now before Government, it appears probable that, in the event of the line of Railway sustaining injury in consequence of the bursting of one or more of them, the Company could recover damages from the Zemindar, on the ground of proved negligence. But it is beyond doubt that, in the interests of all concerned, the Railway Company, the Government, the public, and the Zemindar himself, the object in view should rather be the prevention of injury, by taking in proper time all reasonable precautions for the security of the tanks, than the subsequent recovery of damages from the Zemindar, after the occurrence of injury. The Collector's letter, however, shows that the attainment of this object is a matter of great difficulty.

8. As having an important bearing on this question, it may be observed that the expediency of defining by legislation the duties devolving on owners of tanks has already been the subject of considerable discussion.

In the letter from the Government of India, dated 7th June 1867, No. 476 R., it was stated that the Governor-General in Council was of opinion that it would be only fair and reasonable that the proprietors of land should be responsible for any harm or loss arising from damage due either to the bursting of artificial embankments which they or their ancestors had constructed, or to natural causes, such as the action of rivers within their Zemindaries; and special legislation was suggested, if doubt existed as to the responsibility. A Bill was accordingly drafted in the Legislative Department, "To provide for the prevention of injury to Lines of Railway from the escape or overflow of water from Irrigation works in Zemindari or other lands," and was referred for the opinion of the Board of Revenue. It was returned to the Legislative Department, with instructions to make certain modifications in its scope; but the Advocate-General expressed an opinion that the state of the law upon the subject was far from certain, and that it would be desirable to await the final disposal of the suit, then pending, against the Zemindar of Kárvetnagar. The matter accordingly remained in abeyance for five years; and, after the judgment of the Privy Council, adverted to above in paragraph 6, the Government decided that the law was no longer uncertain, and that further legislation was unnecessary.

Proceedings of Government, No. 2171, dated 19th July 1867.

Proceedings of Government, Legislative Department, No. 191, dated 14th August 1867.

Proceedings of Government, Revenue Department, No. 721, dated 17th March 1869.

Proceedings of Government, Legislative Department, No. 32, dated 20th October 1874.

9. Subsequently to that decision, orders were issued for the inspection of every private tank, the condition of which should be objected to by the Railway Engineers as being inconsistent with the safety of the Railway, and for drawing up instructions for making such tank secure. It was further ordered that copies of those instructions should be formally served by the Collector of the District on the owner of the tank objected to, with a warning of his liability for accidents which might ensue from his neglect to carry them out; and the Government subsequently observed that, if those orders were properly carried out, there should be no difficulty in affixing such liability as would enable the Railway authorities to sue for damages in future with success.

Proceedings of Government, Public Works Department, No. 1047, dated 15th April 1875.

Proceedings of Government, Public Works Department, No. 2724, dated 21st September 1875.

10. I beg, however, respectfully to point out that the old maxim, "prevention better than cure," applies with special force to this matter. To recover damages from the negligent proprietor is far from being as satisfactory as to compel him to exercise due precaution beforehand. It is quite possible that negligence in this matter might result in a serious accident to a train, involving loss of life as well as injury to property; and I venture again to draw attention to the letter from the Government of India, under date 7th June 1867, above alluded to, especially to that portion in

which the Governor-General in Council stated: "It does seem proper that there should be power on the part of the Government to direct competent officers to inspect and report on such works in the interests of the public safety in important cases (such as tanks and embanked rivers in the vicinity of Railways), and that following such inspection should be executive power to the extent of guarding from danger arising from such works, and from rivers and streams generally. There should be some means of recovering from the landed proprietors, under due limitation, any expenses that may be necessarily incurred by the Government in repairs or protective works."

No. 38.

Order—dated 15th June 1882, No. 379 R., Public Works.

The Government are advised that the proper course is for the Madras Railway Company to apply to the Civil District Court for an Injunction to compel the Zemindar to execute necessary and reasonable repairs to the tanks noticed in the Collector's letter. This should be done without delay.

2. In the meanwhile, it will be for the consideration of the Collector whether the condition of any of the tanks is such as to warrant the provisions of Act I of 1858 being put into force.

3. The question of special legislation will be referred for the consideration of the Government of India.

(Here enter No. $\frac{379}{A}$ R., dated 15th June 1882.)

(True Extract.)

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

To the Consulting Engineer for Railways.
" Judicial Department.
" Revenue Department.
" Chief Engineer for Irrigation.

Exd. A. F. Goodall.
Spare Copies

3428
4

RAILWAY.

Govt. of (1882) Madras.

PUBLIC WORKS.

Dated June, 16th.

Recd. Encl.

G.O., 15th June 1882, No. 379 R.

JUNE.

Nos. 37-38.

1
Rev: 5857/82

Madras Railway

Ruined tanks in the Kārvetnagar Zemindari which threaten danger to the —. Orders on the subject of the repair of the —.

No 183

Read the following papers:—

P1

REVENUE DEPARTMENT.

3428
8

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read Proceedings of the Board of Revenue, dated 18th August 1882, No. 2069, submitting with remarks, letter from Collector of North Arcot reporting regarding Zemindari tanks on the line of Railway, and applying for the services of a Supervisor or other officer of the Department of Public Works to prepare estimates, &ca.

Order ~~thereon~~ dated 14th September 1882, No. 977

The Government are of opinion that the Executive Engineer is in charge of all tanks and rivers in his Division. The Collector will be guided by the instructions contained in G.O., dated 15th June 1882, No. 379 R., Public Works Department.

2. The cost of repair is recoverable from the Zemindar under Section 4 of Act I of 1858.

3. Paragraph 4 of the Collector's letter will be disposed of in the Public Works Department.

(True Extract)

Secretary to Govt.

To
The Public Works Department.

Ex-d
Cal

No 921 Ed/ 17.10 82

P. W. Department.

3428 / 7

Read the following :

From the Advocate General No. 170 d/ 24th Octr 1882

Endt. thereon by Revenue Dept. " 3606 Mis d/ 8th Novr "

FOR ORDERS.

The Chief Engineer knows of no officer in the P. W. Dept. who in the sense of the Act is in charge of any irrigation work within the limits of Zemindary lands.

R. H. Sankey Col. R.E.

Chief Engineer & Secy to Govt. P.W.D.

Madras,
11th Novr 1882

In the face of the Advocate General's opinion it wd be inexpedient that the G.O. go out — Recourse must be had to legislation to enable us to secure the proper maintenance of tanks &c in Zemindaries where public interests are threatened by the neglect of the owners. H.E.S.

18/11

well — but put an officer in charge anywhere. H.E.

Nov 27

How can an officer of Govt. be put in charge of private property —
H.S.

FOR ORDERS.

3424 W

E. I. Form No. 34-F.

No. 15 C.

[illegible]

[illegible] 20th December 18

318.

KEEP WITH.

No. dated 188

+ original with the file [illegible] returned —

No 4

3428
18

M C No 88

GOVT. OF MADRAS. } 18 1882. { P.W.D. DEPT.

CHIEF ENGINEER FOR IRRIGATION.

No 21/12/82

Madras, 20 December 1882

OFFICE NOTE. No 318.

3428
19

Circulation Register.

To	From	Despatch Date.	Receipt Date.
W.	E. I.	21/12/82	

Your Office Note No 1813 of 11th December 1882.

I enclose a statement show as far as information is available the number of tanks immediately affecti Railways which are other than Government property.

I have all along maintaine that the Executive Engineers are unable to look after Zemind tanks, and that it is of litt use to repair the tank im mediately overlying the Railway while several Tanks in the basin abo

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illegally, enforce emergent
epairs being carried out,
f an officer of this Dept
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ank was in a dangerous
tate I therefore made
the suggestion that the
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hould arrange for
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would mean that, a
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ank and make a repair
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be sent to the Collector.
This estimate would
provide for raising the
ank to what would
rdinarily be considered
a safe height above the

86

3428/20

H. W. M. and for doing
~~for~~ such repairs to the
masonry works as were
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factorily. I object
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the burden of seeing the
Zemindar

Zemindari Tanks affecting the Railway were in good order on the Executive Engineer who has already quite enough work to do, and making him the professional scape goat.

J. E. J.

Memo. No. 908 E. d. 17.10.82
G.O. 379 R d. 15.6.82
" 379/4 R d. 15.6.82
" 425 I d. 31.5.82

3428/4

Ootacamund
October 17th/82

No. 908 E.

Transferred to the Revenue Department, papers to the question being referred to the Advocate General. In accordance with remarks by the Hon: Member.

J. Macintosh
Col. R.E.
Ag. Secy to Govt.
P.W.D.

17.10.82

JW
17/10/82

Oct 9th

10

Spl. Revenue Deptt. No. 977
Dated 14th September 1882
[illegible] No. 2069 [illegible]
For orders

At the last Council it was arranged that should the law admit of a P.W. Officer being in the sense of Act I of 1858 considered as in charge of the Zemindari tanks in question an effort should at once be made to nominate a well qualified Officer for taking up the duty in this particular case, the emergency being such as to warrant such officer being withdrawn from his ordinary duties for the purpose.

Before however taking actual measures in this direction it is to be presumed that the Government in the Public Works department will cause such enquiries to be made as will decide definitely the question whether Act I of 1858 can be [illegible]

in Zemindari
lands

Ditto

7/10/82

Does it not appear
we cannot [illegible] that the
question should be
referred to the [illegible]
late General [illegible]
[illegible] [illegible]
[illegible] the proper
[illegible]
course

H. [illegible]

The orders merely contemplated
[illegible] charge of works
[illegible] the [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Supdg Engineer
[illegible]

Cn 23-9-82 [illegible]

~~[illegible]~~

~~[illegible]~~

For orders

20/348/17

P.W. of Revenue Dept.

No 377 of 14 Sept /82

Para 1 The opinion here expressed ~~that~~ "the Ex: Engineer is in Charge of all tanks x x in his division" is not borne out by the arrangements made in the reduction of the Dept. Estab. in 1879 or by the subsequent reorganisation last year — and it certainly never was contemplated ~~that~~ the irrigation works in Zemindari Estates should form any part of an Ex-Engineer's Charge

The Supdg Engineer will at once be written to the [illegible] a competent

subordinate at the
Station's disposal
for dealing with the
tanks immediately
in question but looking
to the pressing demand
everywhere for men of
this class it is doubtful
whether the demand
can at once be met

Should there be a
Subordinate to spare
he should take his
instructions direct from
the Executive Engineer
who would be directed
to ascertain from
the Collector precisely
what is required

R.B.H.

23.9.82

+ I think not - [illegible]
[illegible] Engineer in the
Dist [illegible] tanks [illegible]
[illegible] 2 - Oct 3

3428/14

~~Hon H. E. Sullivan~~
~~Hon D. F. Carmichael~~

For orders

On reconsidering the
matter in consultation
with the Chief Engineer
for Irrigation it is clear
~~that~~ no cursory ex-
-amination of the Zemindari
tanks in question will
suffice, particularly
if as may very possibly
occur the case has even-
-tually to come before the
Courts — Nothing in
fact short of a thoroughly
professional examination
with surveys &c by an
Experienced Executive
Engineer would I venture
to think suffice to meet
the case if the P. W. Dept
was to be called in —
and as in my former
note I observed that
work of this character
did not fall within
the scope of the duties

Recd: 29/9 R 4/10

12

of the Estabt. under the new normal Scale — as indeed it never had previously — I trust the H.E. may be pleased to reconsider the instructions issued in his note of the 24th inst.

I would also beg to bring under notice that the order in the Revenue Dept. No 977 dated 17th Sepr. 1882 was apparently issued without my having been afforded the opportunity of submitting my remarks in accordance with the orders of Government

29/9/82

3428/13

Pb Cml 2
7698 12

2
Rev: 5857/52

Rev: 29/9 R E/10

342
15

14

3
Res: 5857/82

3428
17

Opinion —

Act I of 1858 may be applied in the case of tanks, rivers, canals and ancient situated in Zemindaries if there is an "Officer in Charge" — The Act itself does not authorise the Officer to take charge or give him a right of Entry upon the land of another or authorise him to do acts which would ~~formally~~ otherwise amount to a trespass — But if he is in charge he is at liberty to employ labour for the purposes mentioned in Section I —

Whether any Officer is in charge of a tank, river, canal, or ancient situated in a Zemindary is a question of fact dependent upon the Evidence to be adduced in Each Case — In some cases it may be proved that there is an Officer in Charge who may give Effect to the provisions of the

Act; but, generally, I think it unlikely
that this could be proved in the
Case of Zemindaries & and in the
papers sent to me I do not see
any proof of the fact.

P. O'Sullivan
Advocate General

The 24th Oct 1882

[illegible]
18

Revenue Dept

~~Special~~ 1882

Mis: No 3606.

No 6170

P.W.C. No 7678

Transferred to the Public Works Department to gether with the original papers received from that Dept

Secretary to Govt

Fort Saint George
8. Novr 82.

from

The Advocate General

Dated 24 Octr
Recd 1 Novr } 1882

Read ...

Subject.

Giving his opinion regarding the application of Act I of 1858 as to the repair of Zemindari Tanks.

1/11/82

31-5-82 No 4251
15-6-82 - $\frac{379R}{A}$
17-10 — 9082

Cir 11/11 R 25/11
Retn 30/11 R 6/12

Rev Dept Transferred

3428
3

No 284.

I. W.

I agree with you in thinking that there is no Officer of the D.P.W. who can be considered in charge of Tanks in Zemindari lands.

To give the Officer in charge of the Division most nearly corresponding to the Civil District in which the Zemindari Tanks are situated, the charge, would be to extend the limits of his Division, and if he were to put the Act in force, he must have Subordinates at hand to collect & pay work people, keep accounts &c, which I think he could not manage with the present Establishment. Even then, it seems there would be some doubt as to the legality of his action.

If any immediate action is necessary, which I doubt, as before any arrangement can be made the force of the monsoon will be over, I would put the Collector in charge, and direct him an upper Subordinate to inspect all the Tanks in his District and point out what emergent repairs are necessary to keep them from breaching.

Until legislative action in the matter can be taken I would suggest that S. Es should be instructed to have the Zemindari Tanks immediately affecting Railways inspected yearly, in good time before the advent of the monsoon which affects them, and to report to the Collector the works necessary to be done in each case to render the Tanks safe.

29/11/82.

Ask Adv Genl. if we might not gazette the nearest D.P.W. officer to be "in charge of the "tanks in Inam & Zemindari villages lying "within certain limits, for the purposes of "Act I/58" — Then, he could, pro re natâ, work the Act —

D.F.C. 2/12 — 2

I think Col Hasted's proposal should suffice until Legislative action can be taken with full information. Council [illegible] Dec 4/82

I do not see how it will be done. The Govt have no power to put one of their officers to take charge of private property. —

Suppose — Col Hasted's suggestion [illegible] that [illegible] information of persons & how far action was necessary (H.S.)

3/12

Cn 30/(17) K 4/12

18

3428
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Hon H E Sullivan
Hon D F Carmichael
Dr Hon'ble the Governor

For orders

The H.M. in his note of the 16th inst. considers that recourse must be had to legislative action in reference to securing the safety of Zemindari tanks ~~situated above~~ lines of Railway, and the Hon'ble Mr Carmichael wishes the Officer of this dept. (presumably nearest at hand) to be put "in charge".

With reference to this please see Col. Hasted's note of 29/11/82.

Before further action or indeed any special legislation is entered

I venture to think that the Superintending Engineer should be asked to have the groups of Zemindari tanks inspected and reported on generally so that in any case the general bearings of the question and the interests involved may be better known than they are at present.

At present so far as I can ascertain there is really no reliable information as to the number of tanks in this condition.

Personally I am entirely in favor of any strong legislative action in regard to these works particularly and that systematic action in regard to the [illegible] and maintenance

3428/p

of all Government tanks is about to be taken: but as there are certain rights involved and the question arising out of these are almost certain to come before the Courts, I cannot but think that great caution is called for as regards the action to be taken by the officers of the Department before the proposed legislative measures come into force

30.11.82

19

Statement showing the Zemindari Inam & Private tanks &c that affect the lines of Railways.-

Districts	Number of Zemindari Tank	Mittah Tanks	Inam Tanks	Dasabandam Tanks	Shrotriem Tanks	Private Tanks	Devastanam Tanks	Mudam Tanks	Total	Remarks
Bellary	"	"	"	"	"	3	"	"	3	This statement does not include the tanks in Chingleput & Madura Districts as the returns do not show distinct the Zemindari and Private Tanks. In Coimbatore & Presidency Divisions all tanks affecting the Railway are Government Tanks.
Cuddapah	"	"	"	"	1	"	"	"	1	
North Arcot	22	"	"	"	"	1	"	"	23	
Salem	"	85	"	8	"	"	"	"	93	
Trichinopoly	"	"	52	"	"	32	9	"	93	
Tanjore	6	2	1	"	"	"	"	"	9	
Tinnevelly	11	"	14	"	"	"	6	1	32	
South Arcot.	"	"	"	"	"	3	"	"	3	
Total	39	87	67	8	1	39	15	1	257	

Col. R.E.

Ag. Chief Engr for Irrign.

No. 342 W.

B.R. Works

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 23/12/82

3428/22

Read the following—

Proceedings Revenue Dept. (R.C. No. 977 a/ 14th Sept. 1882)
From the Advocate General (" " 6170 d/ 24th Octr. " ")
Endt. thereon by Revenue Dept. (" " 3606 Mis. d/ 8th Nov. " ")
Do by the C.E. for Irrigation (" " 318 — " — 20th Dec. " ")

P9

Print with the
also Colon Hasted's
note of 20/12/82

The Government are of opinion that no immediate action is necessary on the proposal in para 4 of the Collectors'& letter as to the execution of emergent work which could not now be carried out till long after the monsoon.

2. Pending Legislative action which has been recommended to the Govt. of India, the Superintendg. Engineers concerned will

& Letter No. 379/A Rd. d/ 15th June 1882

21

22

arrange to have Zemind Tanks immediately affecting lines of Railway inspected by an Officer or Competent Subordinate, ~~yearly in good time before the advent of the monsoon,~~ and to report to the Collector the work necessary to be done in each case to render the Tanks safe.

~~Com. cirl 8 12 82~~

22/12/82

~~Supt'g Engineers~~ ✓

C.E. for Irrign ✓

Cons: Engr for Railways ✓

Revenue Dept

21-6-92
14-7-18. Rew
25-9-11
5-9.22

t. of (1882) Madras.

PUBLIC WORKS.

27/12

G. O. 23 Decr 1882, No. 3428

Nos. 165-184.

Boundary Lands affected

lines of Railway

Disposal of —

180

10

Entd. in Receipt Regr