(1) பக்கங்களின் எண்ணிக்கை 128

(2) புதுக்கித் திருப்பிய நாள் பிப்ரவரி ஜனவரி 1989

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P.W.D துறை

அரசாணை எண். / மு. கோப்புத் தாள் எண். — 792

அச்சகம் / பலவகை

நாள் : 15-3-1889. 198 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

64 Sheets கே.த

ஆவண: கூ-1—18,000—15-6-87.

of the High Court delivered by the Hon Mr Justice [illegible] laying down that a Collector has power to regulate the supply of water from Irrigation works Channels etc —

The attached is a note taken from Mr Hutchins Note Book giving reference to this decision

Will you kindly cause search to be made and the decision sent for Colonel Sankey's information —

12 XI 87

C.E.W.

herewith the volume wanted.

12/11/87

To W.

Shown see cases reported at p. 6 of Vol V & p 362 Vol

In support of the Irrigation Bill, the following cases involving law suits & prosecutions for damage to & interference with Irrigation works ~~[illegible]~~ have been collected

Taking the Presidency by Circles —

S.E. I reports during the 5 years ending 104 cases of prosecutions, 58 resulted in convictions & 46 were acquitted —

The sentences awarded consisted of imprisonment & fines — The periods of the imprisonments ~~[illegible]~~ ranged from 9 days to 2 months & the fines from Rs 1 to Rs 50 —

The S.E. [illegible] Godavari Central & Western divisions reports that yearly 20 or sluices are opened, banks are ~~breached~~ cut, bunds across channels cut [illegible] sluices that

To 2

As it was considered desirable to bring to notice in support of the Irrigation bill lately laid before Govt a number of cases which occurred in late years involving law suits and prosecution for damaging or interfering with irrigation works, Supg Engineers were in this Office Circular No 94 dated 4 June 86 requested to submit, on a careful search of the records of late years, statements of such cases together with a brief note on each. Replies to this circular have been received from all the Superintending Engrs

2. The Supg Engr I Circle, has sent in three statements one for each divn of the Godavari district showing the cases of prosecution during the last five years. The following is an abstract of the number of cases of each kind reported in these statements

	No of convictions	No of acquittals
1 Putting or removing [illegible] and opening channels [illegible] permission	24	20
2 Cutting breaches in channel banks interfering with padlocks of sluices or neglecting to take care of them	19	13
3. Cutting trees [illegible], stacking straw, putting clods of earth or erecting sheds on Chl. banks	6	4
4 Catching fish	6	3
5 Placing wrong planks in dams to reduce water supply, removing planks from dams or closing weirs	2	
6 Encroaching on Govt land		
7 Placing beams across channels		
8 Digging holes in channel beds		
9 Driving [illegible] under an aqueduct		1

In seven (three for cutting breaches, [illegible] for putting cross bunds and one for breaking a sluice padlock) out of the 58 cases convicted, the persons found guilty were sentenced to imprisonment for different periods varying from 9 days to 2 months while those in the remaining cases were fined from 1 to 50 rupees. The Ex. Engrs. of the Godavari Central and Western divisions report that acts of interference such as unauthorised opening of spouts and heads of channels, breaching channel banks, raising unauthorized bunds across channels, breaking sluice shutters and padlocks and floating bamboo rafts in channels & silting them up, are committed every year but for want of sufficient evidence the persons suspected have not been prosecuted. No cases involving law suits have been reported.

3. The Supg. Engr. II Circle has reported the following cases of prosecution besides the one ~~already~~ reported and recorded in G.O. 136, Legislative, dated 28.9.85.

Kistna Eastern Dn.	No. of cases convicted	No. of cases acquitted	No. of cases not yet settled
Cutting breaches in chls.	1	„	1
Putting cross bunds	„	1	„
Digging earth from chls.	„	„	1
~~Making open cuts in chls.~~	~~1~~	„	„
Encroaching on Govt. land	„	„	1
Failure to supply Coolies on emergency	1	„	„
Damaging irr. works	„	„	2
Interfering with execution of works.	„	1	„
Nellore division			
Preventing Govt. lascars from closing heads of channels & sluices	2	„	„
Total	4	2	5

The offenders in one of the four cases convicted were

[illegible], [illegible] 28
a [illegible] [illegible]
them of bamboo [illegible]
want of sufficient evidence
the majority of cases to prosecute
is instituted

S.E. II reports 11 cases; [illegible] convictions were obtained in 4 instances, 2 cases were acquitted, & 5 are still unsettled — the punishments were imprisonment in two instances, fine in another and suspension of the village munsif & karnam in the same case:—

S.E. III reports 3 cases, all on the Kurnool Canal; the same pattern [illegible] ~~in each instance the villag~~ interference with irrigation by the villagers— all 3 cases resulted in conviction the punishment was [illegible]. In Bellary district a number of sluices in the Thungabudra channels were destroyed, but the culprits not being detected no attempt was made to prosecute.

S.E. IV reports 4 cases in Coimbatore & 1 in Salem District — they may be briefly described;

(1) endangering the safety of the Sudacoypollem channel distributary by digging deep pits— The submagistrate warned the villagers not
(2) damming up channels to facilitate fishing — The Collector was asked
(3) cutting into the toe of the [illegible] Tank bund. The Collector was
(4) damming up surplus escape of [illegible] Tank, the resulting a breach — The village establishment
(5) ditto — the [illegible] Tank, the resulting breach of the supply channel —

The Collector issued a circular [illegible] a repetition of the act.

to put a stop to the practice

part of officers [illegible] to prosecute the offenders, resulting in [illegible].

[illegible] who ordered the [illegible] the cost of repairs, the penalty being [illegible].

to prevent the [illegible] proceedings & justice

other case the village munsiff & karnam concerned were suspended. The S.E. has also reported that the continual objections made by the villagers to the acquisition of the land required for the Madapalle channel in the Kistna Eastern division delayed the execution of the channel for a long time.

4. The S.E., III Circle has reported the following three cases which occurred on the Kurnool Canal in late years.

(1). In Decr./76 the ryots of [illegible] in Nandial Taluq who dammed up a channel and threatened the lascars on interfering were fined rupees ten each. During the enquiry which lasted for 10 days several Canal Officers were taken away from their legitimate work.
(2). In 1877 certain ryots in the [illegible] Taluq were fined rupees 50 for "breaking open" a lascar's head.
(3). In August/85 certain persons were fined 2 rupees each for placing a stone dam across the Kojeepett channel.

A number of sluices on the Toongabudra channels in the Bellary district were wantonly destroyed in the years 1884 & 85 but the culprits not having been detected no prosecution was conducted. The channel lands are greatly encroached upon

5. The S.E. IV Circle reports four cases which occurred in the Coimbatore district and one case in the Salem district as shown below.

Coimbatore

(1). In March/80, two large deep pits were made by villagers endangering the safety of the distributary of the Soondacoypallem channel.
(2). In Novr/83 certain persons licensed to catch fish in the irrigation channels with net only dammed up the water in several places by temporary dams causing the channels to silt up and get choked with weeds necessitating large sums being spent in clearing it

ecr/84 a ryot was found cutting into the toe of the Sunganellore tank bund endangering the safety of the tank.

(4) In Decr/85 the villagers dammed up the surplus escape of the Kilimam tank which led to the breaching of the tank bund which was repaired at a cost of Rs 1000.

Salem District

(5). In Decr/84 the ryots blocked up the weirs of the Harur tank by bags and earth just before a heavy rain which breached the supply channel to a length of 14 feet.

In the first case the villagers were warned thro' the sub-magistrate against any such interference in future. In the second case the Collector was asked to put a stop to the practice. In the third case the Collector was asked to prosecute the offender. In the fourth case the Collector ordered the dismissal of the village establishment thro' whose carelessness the breach occurred unless they pay the cost of repairs vizt Rs 1000. In the fifth case the Collector issued a circular to prevent such interference in future

6. The S.E., V Circle, reports seven cases two in South Arcot & five in Chingleput, besides the breaching by the villagers of the Veeranam tank which was already noticed by Govt in Legislative Council.

South Arcot

(1). The villagers objected to the closing of the weir at the south end and prolonging that at the north end of the Olakur tank in accordance with the sanctioned estimate and obstructed the execution of the work, driving away the Coolies. They were tried and fined five rupees each. In spite of this about 50 villagers went to the tank with crowbars & destroyed the portion of the weir newly built. This case was tried for a long time and was dismissed for want of evidence owing to the long delay in the enquiry

(2). The crest of the Killianur tank weir was thro' the stupidity of the overseer raised abnormally altho' the tank bank was not calculated for this extra raising. The villagers objected to lowering the weir to the original level ordered by the Ex: Engineer and refused to allow the work to be done. A Police guard had to be obtained to keep the peace while the work was in progress.

Chingleput

(3). In 1883, the floor of the inlet of the Polur tank was tampered with by means of crowbars to lower the floor level and the village munsiff was suspended for six months.

(4) In 1884 the village munsiff of Kinar was fined 8 annas for not taking care of the lock of the head sluice of the village tank which was lost.

(5) In 1886 the village munsiffs concerned were fined one rupee each for neglecting to protect the Nedum Kunram and Amanampa tank bunds which were damaged by cattle trespass.

(6) The village munsiff was fined four annas for not taking care of the Kondrancherri tank bund which was damaged by cattle trespass.

(7). The village munsiff of Ammanbaukam was fined one rupee in Sept/83 for offering resistance to the contractor in the execution of the revetment to the Kolathur tank bund and in taking stone from a hill in the village.

S.E. V reports 7 cases, 2 in South Arcot, & 5 in Chingleput

The South Arcot cases are instructive –

(1) Estimates for closing the weir at the South end, & prolonging that at the North end of the Olakur Tank were sanctioned but the villagers refused to allow the work to be carried on. They were tried & fined Rs 5 each – the construction of the weir having made some progress, some 50 villagers came with crowbars & destroyed the work –

This case ~~after~~ was dismissed for want of evidence, the want of evidence being chiefly due

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the Ex: inability in any enquiry

on the enquiry –

(2) The Killianur Tank weir crest having by mistake been raised abnormally high. The villagers refused to permit the lowering, a Police guard was ~~employed~~ present while the work was in progress.

The 5 Chingleput cases are of one & the same nature, unauthorised interference with irrigation works, & each the village munsiff [illegible] was held responsible, in one case he was suspended for 6 months, in the others the punishment was a small fine.

7. The S.E. VI Circle has reported four cases as shown below

(1) Negapatam Dt. – On the night of the 15 Nov/85 the mirasidars of Singamangalam proceeded to the Yerrangudi dam below the junction of the Vadavayaur & the Yedayar rivers and demanded from the Lascar the key to raise the shutter & on his refusal opened forcibly the sluices & damaged the work. On the matter being reported to the Head Assistant Collector he decided that the villagers should pay for repairing the damage if any. On the same night these men went off in a body up the right bank above the dam and immediately after a breach occurred in the bank, but owing to want of direct evidence they were not prosecuted.

(2) Trichinopoly Dt. – In 1882 the ryots who prevented a member of this Dept. from cutting trees on the Wyacondam bank in objectionable places on the ground that they were situated on puttah lands were prosecuted & convicted but they obtained damages in the Civil Court.

(3) In June/85 the ryots of Palur & Muttarasanallur prevented the construction of a dividing dam for the Peravoikal branch of the Puttuvathalai channel on the ground that it would be detrimental to their interests and were prosecuted & punished but the execution of the work was delayed for 8 months

(4) Tinnevelly Dt. – The ryots of Wattrap sued Mr Taylor, a supervisor of the dept. for lowering the F.T.L. of the village tank but the suit was dismissed owing to the nonappearance of the plaintiffs

8. On a search of the records of this Office, the following cases have been traced out.

(1) In August/86 the water which came down the Yenamadurru drain ran back up the Gostanaddi in the Godavari Western division and with the water from the Gostanaddi river ran across the left bank of the Gostanaddi drain. The bank was in very bad order and 25 square miles of country were submerged. Unfortunately the ~~Executive~~ Engineer Officers were cut off, the villagers became riotous and intimidated the delta supdt. and it was only after a serious riot in which 8 men were killed that a breach was made. The breach was again closed by the opposite party. The estimated cost of repairs was Rs 700 and 3000 acres of wet crop were destroyed. vide P.M.G. No 692 I of 15-10-86.

(2). Pillay voikal in the Tanjore division is an important channel many miles long irrigating several villages and having one head at the bifurcation of the Cauvery & Vennaur rivers and a second head at the Kutchamangalam anicut on the latter river. In June/79 the mirasidars of Varagoor and Rondamangalam

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S.E. VI Reports 7 cases

The District Negapatam Division

(1) The villagers of Singamangalam in Negapatam forcibly opened the sluices of the Yerrangudi Dam, & damaged the work —
The Head Asst Collector decided that the villagers should pay cost of making good the damage

(2) The ryots of Palur & Muthillay Michenthe prevented the construction of a dividing dam & they were prosecuted & fined – but the work was on their interference delayed 8 months.

(3) In Tinnevelly the ryots of Wattrap sued Mr Taylor, Supervisor for lowering F.T.L. of a tank; the suit was dismissed as the complainants did not appear

In addition to the cases detailed in the preceding paras attention is drawn to the case reported & recorded in G.O. 1316 Legislative of 20.9.85, re the breaching of the Veeranam Tank which was noticed [illegible] in Legislative Council – ~~[illegible]~~ The following which have been taken from the records of this Office may be mentioned.

(1) The Pillay Voikal in Tanjore irrigates several villages; a Mirasidar raised a bund across this channel & so interfered with the distribution. He was prosecuted & the decision arrived at was that interference with the bed & regime of a channel was not mischief – vide P.M.G. No 13 I of 18-1-80.

Kondamangalam placed a bund across the Vellay vaikal thus upsetting the distribution and cutting off or diminishing the share of water belonging to other villages. On the report of the mirasidars interested the bund was removed. A complaint was lodged before the Sub Magistrate of Tiruvady by the mirasidars whose water supply had been interfered with. The case was also mentioned to the head assistant collector who enquired into it and it was held that it was neither mischief nor trespass to interfere with the bed and regime of a channel altho' necessarily each interference would affect the discharge and the distribution of water. vide G.O. No 133 of 16-1-80.

(3). A mirasidar & curnam of Nedumchari were prosecuted for throwing earth excavated from their fields in irregular and unsightly heaps on the banks of the Vellapar with the object to lower their fields. The action would not have been objected to if the earth was put according to sections given by the officers of this dept. The second class magistrate of Kodavasal held that the earth was thrown up to strengthen the bund and that no mischief was done. The case is said to have failed thro' the failure of the P.W. subordinates to prove the real damage if any. vide P.M.G. above quoted -

(4) Two similar cases for throwing earth from dry lands which the parties wished to convert into wet on the banks of the Kodamurti and Arasalar rivers were thrown out by the second class magistrate of Combaconam. vide Pkg above quoted -

(2) The fishery contractors, Upper Coleroon anicut were caught fishing in the under sluice chamber, - their nets were seized after a struggle, - The contractors were prosecuted but they brought a counteraction for assault - Both cases were thrown out the assault as they proved as regards the contractors action, & mischief as they proved as regards the action taken of Govt - vide P.M.G.

(5). In June/79 the fishery contractors at the upper Coleroon anicuts were caught in the act of netting fish in the chamber of the undersluices on the North branch of this anicut. Altho' the contractors assaulted the lascars, their nets were seized, Govt. having in para 12 of G.O. No 1417 dated 25-10-72 ordered that fishing within 100 yards of anicuts should be prevented. Before the Cantonment Magistrate of Trichinopoly the contractors brought an action against the lascars who seized their nets and a counteraction was brought against the contractors. The Magistrate threw out both cases, the contractors in default of proof and the lascars in default of showing that actual mischief was done (vide P.M.G. above quoted).

(6). In 1877 Only certain sluices were built on the ~~Pugalur~~ Caliyaroyen channel in Coimbatore district to prevent the ryots from wasting water which they were doing before. The ryots wantonly broke open the sluices. As the offenders were not detected no prosecution was conducted. The ~~Collector~~ in reply to the suggestions made for arranging for an investigation being made by a sub magistrate to indicate that repressive measures will be

adjacent village Chendoor

be taken for offering a reward for information as to the offenders, for giving instructions to the Police to keep a sharp look out and for holding the village officials responsible for the safety of the sluices, the Collector stated that in his opinion none of the measures suggested would be effective and proposed to make the ryots whose lands get the benefit of the unlimited supply by the destruction of sluices, pay for their restoration, legislative authority being obtained if necessary. But Govt saw no ground for legislative interference and directed an enquiry to be made into the question whether the ryots had any reasonable cause of complaint against restricting their water supply. It was found that the management of the channel was left entirely in the hands of the ryots since 1860 on the understanding that the ryots were never to demand remissions for scarcity of water and that the regulation of water supply should not have been undertaken without the old arrangements being formally set aside. Govt considered that it would be sufficient if remissions for loss of water while the damaged sluices were under repair be refused and that in proposing arrangements for the introduction of improved management

management on old irrigation works clear information as to the supply of water available and the extent of irrigation should be furnished. vide P.M.G. No 349 of dated 17-6-79

(7) In 1877 one Panakollu Bramana sued the officer in charge of the late Masulipatam divn in the Munsiff's Court for removing the dam placed in the drainage channel from the Inampudy under tunnell on the Masulipatam Canal to the detriment of the water supply of fields supplied lower down. He reconstructed the dam notwithstanding the criminal charge which the divisional officer brought against the man for interfering with the distribution of water. The case was decided against Govt as it was not conducted properly, the plaintiff's right to irrigate from the drainage channel having been objected to instead of his right to place a new dam. On appeal the case was decided in favor of Govt (vide P.M.G. No 263 I dated 25-4-79).

(8). The ryots of Padarapoolyoor, a Govt village in the South Arcot district extended their tank bund raised the Calingulah and increased its waterspread which submerged 60 cawnies of land belonging to an adjacent village Chendoor

(3) In 1877 one Panakollu sued the Masulipatam Divl Officer for removing a dam placed across a drainage channel. The case though given against Govt in the first instance was ~~decided~~ on appeal given in favor of Govt.

Among cases of later date may be mentioned

(1) The assault, lately reported, on the Ex: Engineer Tinnevelly Division; —

(2) The suit, now pending, brought by the ryots holding lands under the — — Tank, against the Collector of Madura, & the Ex: Engineer of Madura Division.

17.12.87

be taken for offering a reward for

Chendoor. Upon the Complaint of the ryots of the latter village an order was passed directing the restoration of the tank to its original condition. The ryots then brought a suit & applied for an injunction to restrain the Officers of Govt from making the alterations contemplated on the ground that they would sustain a loss of Rs 6661 per annum if the Capacity of the tank be reduced. In the defence on behalf of Govt it was contended ~~that~~

(a) that the tank being a Govt work Govt had a right to make such alterations as they pleased and to regulate the quantity of water to be stored in it.

(b) that the plaintiffs had by unauthorized alterations increased the water spread of the tank & injured the land in Chendur

(c) that the restoration of the tank to its original condition would cause no loss to the plaintiffs

The case was decided in favor of Govt & the decision was confirmed by the High Court (vide P.M.G. No33 of 6.7.74)

(9). A suit was brought for compensation for loss sustained for certain lands not being allowed the supply of water from a tank. The suit was dismissed as Govt had a right to regulate the water supply, as there was no sufficient water in the tank and that the real object of the plaintiff was to strengthen his claim to the land. G.O. 148 of 29-10-72.

(10). The following case in the Madura district is awaiting decision by the Civil Court. In the village of Tiravadur, Melur taluq, there are two tanks adjoining each other and divided by a common bund, the larger irrigating 369 acres and the smaller 100 acres. Estimates for strengthening the common bund, for demolishing the weir and for constructing a pavement escape for the big tank were, after a careful consideration, sanctioned in 1883-84. The ryots owning lands under this tank — apprehending that their lands would be submerged protested against the sanctioned arrangements being carried out and suggested that the surplus might be discharged from the North side of the small tank which is alleged to be the usual line of discharge. But this is not the usual line & one of the many objections for its adoption is that the Construction of adequate weirs to the small tank will cost Rs 10000 while the pavement escape to the big tank is estimated to cost only Rs 5000. The ryots be taken for offering a reward for

ryots obstructed when the pavement was put in hand and orders were issued to stop the work & to leave the existing surplus works to act as usual until the tank div. establishment should take up the investigation of the requirements of the tanks. Subsequently on their representation that a bank was necessary to stop the leakage in the weir of the big tank & to bring in the supply of a jungle stream, the ryots were allowed to put a small surf bank not higher than the crest of the weir, but they formed a strong & stout bank very much higher than the weir crest to divert the discharge of all surplus water from its usual line into the small tank. A notice to lower the bank on pain of criminal prosecution in default was served on the ryots thro' the tahsildar but, instead of complying with the demand and without giving a notice, the ryots have instituted a suit to restrain the Collr., the Ex. Engr., the supervisor & the ryots of the small tank from interfering with the cross bank with a deliberate misrepresentation that the bank existed ever since the formation of the tank. If the bank be retained it will drive all the surplus into the small tank which can never withstand the strain and will breach almost every year. The defence of the suit has been sanctioned at public expense vide G.O. No 650 R of 7-7-87 Communicated with G.O. [illegible]

9

9. As regards the arguments in the minutes of dissent against passing the proposed irrigation bill the following points may be noticed:—

(1). Although the right of Govt. to regulate the supply of water to ryotwari lands is recognized by Civil Courts, yet it seems desirable that it should be specifically declared by a legislative enactment, as neither the P. W. nor the Revenue Dept. seems to be aware of the actual rights of Govt. in effectually checking the wasteful habits of the ryots and regulating the discharge of sluices by reference to the area to be irrigated and of the measures the Govt. officers are entitled and bound to take to protect the interests both of the public and of the State. There is no doubt that the interests of the Govt. and of the community are at times injured because officers being doubtful of the law hesitate to put down a public evil lest they should find themselves involved as defendants in a legal suit. Sometimes as in the case of the Pugalore channel

channel in the Coimbatore district the right of Govt. is relinquished to ryots on the condition of their claiming no remissions in bad seasons. The Officers of Govt. either in the P.W. or Rev. Dept. should have legislative powers to enable them to enquire into and decide on similar rights and in the case of works which supply partly ryotwari lands & partly private lands as otherwise the ryots who are ignorant of the quantity of water actually required for irrigation and are ~~therefore~~ anxious of taking as much water as possible will in most cases dispute the propriety of the improvements carried out to the works, and the adjudication of the disputes arising therefrom in Civil Courts will result in long delay. A special enactment will secure facility not only to Govt. but also to Ryots to establish their rights without the expense delay and trouble involved by resorting to the ~~of going to~~ Civil Courts.

(2). An act however mischievous in the interests of irrigation works, if done to protect one's own property from danger or damage without any criminal intention to injure other property is not always considered as Mischief punishable under the Indian Penal Code. It is desirable that all interference by ryots with irrigation works under the charge of Govt. Officers should be prevented and this cannot be done without a special enactment. Rules for the distribution of water and the conservancy of irr. works cannot apparently be enforced unless they are made under the authority of a legislative enactment, as all the irrigation works are not entirely new works constructed at the expense of Govt. but several of them are works constructed in supersession of, or improvements on the old existing works in which people claim some kind of right. As it is impracticable for Govt. to employ an establishment sufficient to watch by day & night every one of the large no. of ~~xx~~ irr. works, breach of

80

792

60

of the rules cannot well be stopped unless people are impressed with the idea that a breach of the rules will be met with immediate punishment.

(3) The reports of the Ex: Engrs of the Godavari Eastern & Western Dons received with letter 787 of 20-6-81 from the Supt of Works Godavari Anict (R No 124 G. D of 81 put up) indicate the extent to which the ryots interested wantonly interfere with irrigation works and distribution of water, the difficulty of detecting the culprits and procuring their conviction and the necessity for a special enactment to protect the interests of our works. This file is incomplete some of the papers belonging to it having been sent by Col Hasted R.E. when E. I. to Col. Sankey for the Committee on Irrn law.

10. The following points are submitted for consideration.

(1). The proposed bill should specify whether the decisions which may be made under it are liable to be set aside by Civil Courts on regular suits or not & if not liable to what extent

(2) Regulation XII of 1816 empowers collectors to arrange for disputes for water supply being decided by village punchayets should the parties agree to it. Act VII of 1865 provides for separate water rate being levied on new lands irrigated under irrigation works belonging to or constructed or improved at the expense of Govt. It was on the authority contained in this act that the existing water rate rules were framed. The provisions of this act are more or less reiterated ~~contained~~ again in section 31 of the proposed bill. This act as well as such portion of the regulation above referred to as refers to disputes regarding distribution of water should apparently be repealed and consolidated with the proposed bill.

(3). The rules for navigation have been embodied in the proposed bill while the water rate rules on which the bulk of the revenue depends have not been included

included either in the bill or in the rules proposed to be passed under it.

(4). It is suggested that both the proposed bill & rules be communicated to Supg Engrs with a G.O. requesting them to report in communication with the Collectors what additions and alterations are, in their opinion considered necessary to adapt them to the requirements of the irrn works in their Circles whether under the Charge of the P.W.D. or Rev Depp to what part or parts of the districts in their Circles they wish to have the bill extended when passed into law. Whether the existing esta-blishments are or are not sufficient to enforce the provisions of proposed bill & the rules and if not what additional establish-ments will probably be required

B.H. 2-8-87

~~The~~

Of the above the following cases appear to require special attention

In Coimbatore a sub-magistrate in the case of digging into and endangering the safety of ~~[illegible]~~ the Sundracopulle Chi' tank. Warns the villagers concerned no punishment is awarded

In the same district

Damming up the surplus escape of Kuluvanam Tank The village establishment were ordered to levy the cost of repairs

In the similar case in the Hosur tank Collector only issued a circular

None of the above cases were taken up criminally and the case is the same in the Chingleput cases and also several others in other districts

In the Kistna case even the High Court considered it doubtful whether cutting an irrigation River tank was an act of mischief punishable by

under the Penal Code
In S. Arcot District
a conviction (and a punishment
of 6 months imprisonment)
~~was obtained after nearly~~
~~2 years delay~~) was
obtained against 7 coolies
who ~~attempted to~~ cut the
Veeranum tank bund
to drain certain lands
when the tank was full,
but this was after
nearly 2 years delay
and a reward of R 300
being offered by Govt

Again in the Pelly matter
case in Tanjore the magistrate
decided that cutting a
bund across the irrigation
ch.l was not punishable
as mischief
In the same district it
was decided that fishing
in the Under sluices of the
Upper Anicut was no
criminal offence notwith-
-standing that doing so
was a source of danger
to the works.
Lastly in Tinnevelly district
it was decided by a
magistrate that ~~[illegible]~~
threatening and interfering
with an officer when in the
execution of his duty in
closing a sluice was no
criminal offence.

The above cases it is
thought shew that
the ~~law~~ present law
~~to~~ requires strengthening
as there is no doubt
but that with the law
as it now stands the
Magistrates do not
consider themselves empowered
to punish offenders who
interfere with the regulation
and conservancy of Irrigation
works

Note by the Chief Engineer for Irgn:

In support of the Irrigation Bill. the following cases involving law suits and prosecutions for damage to, and interference with Irrigation works have been collected. Taking the Presidency by circles — Superintending Engineer, 1st Circle, reports, during the 5 years ending with 1885-86, 104 cases of prosecutions, 58 resulted in convictions, and 46 were acquitted —

The sentences awarded consisted in imprisonments and fines, The periods of imprisonment ranged from 9 days to 2 months, and the fines from Rs 1 to Rs 50. The Executive Engineers Godavari Central and Western divisions report further that year by year, sluices are opened, banks are cut, bunds across Channels constructed, sluice shutters &ca, are broken and channels are silted

silted up by the floating in them of Bamboo rafts; for want of sufficient evidence in the majority of cases no prosecution is instituted

Superintending Engineer, Second Circle, reports 11 cases; convictions were obtained, in 4 instances, 2 cases were acquitted, and 5 are still unsettled - the punishments were, imprisonment in two instances, fine in another and suspension of the Village Munsiff and Monegar in the remaining cases

Superintending Engineer, Third Circle, reports 3 cases; all on the Kurnool Canal & all of the same nature viz: interference with irrigation works, on the part of the villagers - All 3 cases resulted in convictions, the punishment awarded being in each instance a fine.+ In Bellary district a number of sluices in the Tungabudra Channels were destroyed, but the culprits not being detected no attempt was made to prosecute.

Superintending Engineer, Fourth Circle

+ 1 case R 50 fine
2" R 2 —
3 - R 10 —

Circle reports 4 cases in Coimbatore and 1 in Salem District - they may be briefly described:-

(1) Endangering the safety of the Sundacoipallem channel distributary by digging deep pits.
The Sub. Magistrate warned the villagers as to a repetition of the act.

(2) damming up channels to facilitate fishing.
The Collector was asked to put a stop to the practice.

(3) cutting into the toe of the Singanellor Tank bund.
The Collector was requested to prosecute the offender, the result not known.

(4) damming up surplus escape of Kulumam Tank, the result being a breach.
The Village establishment was ordered to pay the cost of repairs, the penalty being dismissal.

(5) damming up surplus escape of the Harur, tank, the result being breach of the supply channel

The

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