645

Public Works (1898) Department.

G.O., No. 83 I

DATED 31 January 1898

2/2/98

[Despatch Abstract.]

Waterrate. Pros: Revenue Dept., stating that there is no legal objection to charging a penal rate when water is taken surreptitiously to wet lands by interfering with regulators, sluices or dams and requesting the Board to issue instructions accordingly. Comd to S. E. - IV Circle.

220/12

31.1.98

[P.W. 26. 1,500—20-11-96.]

Indexed. 1/2

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

IRRIGATION.

Government (1898) of Madras.

PUBLIC WORKS.

Recd. } 1898. *Enclosures*

Regd. } 1898. *Spare copies*

G.O., No. 83 I., 31st January 1898.

JANUARY.

Water-rate

Proceedings, Revenue Department, stating that there is no legal objection to charging a penal rate when water is taken surreptitiously to wet lands by interfering with regulators, sluices or dams, and requesting the Board to issue instructions accordingly, communicated to Superintending Engineer, IV Circle.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

Read—the following papers :—

From the Executive Engineer, Coimbatore Division, to the Superintending Engineer, IV Circle, No. 1877.

I have the honour to enclose copies of my No. 4179, dated 7th December 1896, to the Collector of Coimbatore and his reply, No. 1482-Rev., dated 30th April 1897, enclosing copy of extract of Board's Proceedings, Mis. No. 1502, dated 23rd April 1897.

2. It is not for me to traverse the Board's decision, but the question as affecting this, and I presume other districts, is so important, that I think it should be brought to the notice of the Chief Engineer for Irrigation.

3. There are three classes of channels in this district :—

(1) Imperial and entirely under the control (as regards the main distribution of water) of the Public Works Department, viz., the Thadapally, Arkenkottah and Kalingaroyen channels.

(2) Imperial (but as regards water distribution) entirely under the control of the Revenue Department and for which repairs and improvements are carried out by the Public Works Department.

(3) Minor which both as regards distribution and repairs are entirely under the control of the Revenue Department.

4. The channels under class (1) are now being or are about to be resluiced under orders from Government and from you.

As regards channels under classes (2) and (3), I have received requisitions from the Collector for resluicing and general improvements, such as regulators, dams, &c., for several of the channels and expect to receive similar requisitions for other channels.

5. There are numerous instances in all these channels in which—

(*a*) Unauthorized sluices or cuts have been opened.

(*b*) Regulators or dams constructed for the better regulation and distribution of water have been tampered with, their levels altered and the works more or less destroyed.

(*c*) New sluices have been removed entirely or had the dimensions of their vents altered or their sills lowered.

6. The Board apparently consider that cases coming under (*b*) and (*c*) do not make an authorized source an unauthorized one, although the act performed results in entirely altering the conditions of the work concerned.

The Board proposes as a remedy, with a view to preventing mischief, that the petty establishment employed on these channels should be increased sufficiently, and that, in case of any mischievous act being performed, this petty establishment should be held responsible.

7. Experience shows that the petty establishment (nir monigars, niranies, &c.) are entirely under the influence of the ryots and land owners, and that they do not even report cases of mischief and there is no reason to believe that, if the existing establishment is doubled or trebled, the result will be different to what it now is.

8. I think it will be conceded that the extra establishment cannot prevent mischievous acts That if they report the acts, it will in no way prevent such acts being performed again, and that even if they see any such act actually being done, their evidence will rarely be accepted as against that of ryots, as the men are as a rule alone and being ignorant are unable to give correct evidence or to stand cross examination.

9. The Board's proposals throw all the expense both of trying to prevent acts of mischief and of executing repairs necessitated by the acts on to Government. There is no doubt whatever as to who immediately benefits by the acts, and it would only seem reasonable to make the parties who benefit responsible for the damage done.

10. I was in the Kistna when the penal assessment rule was introduced, and I can answer for it that the rule operated immediately in a most effective way, putting a stop to nearly all the acts complained of without any undue hardship on the ryots.

11. I feel sure from past experience that it is useless to try and improve these channels by resluicing, building regulators, &c., unless the Revenue Department can give some guarantee that the improvements effected will not be rendered useless by mischievous acts; and unless some guarantee of this kind can be given, I would recommend that no improvements be carried out and that an order be issued to that effect.

12. The same difficulties existed when I was in this district as an Assistant Engineer 19 years ago; and I do not see how any improvement can be effected unless the Revenue Department are prepared to introduce effective rules.

I understand that the Collector supports me in this view of the question.

Enclosures.

Copy of letter from the Executive Engineer, to the Collector of Coimbatore, dated 7th December 1896, No. 4179.

I inspected the Thadapally side channel $\frac{18}{0}$ to $\frac{22}{0}$ of Thadapally channel on the 30th October 1896. During my inspection I noticed that the bund had been quite recently disturbed over the iron pipe sluice No. 18 in the side channel bank at 21 miles 4¼ furlongs.

I had levels taken which proved that the sluice was one foot lower than it ought to be. I then had the pipe refixed at its correct level and found that the sluice had been tampered with and that the concrete foundation, on which it was originally laid, had been partly removed.

I enclose a statement showing the area irrigated by the pipe sluice to be 21·36 acres.

I need not dwell on the utter uselessness of trying to improve the irrigation under the channels in this district if steps are not taken to preserve sluices in the positions and at the levels fixed by competent authority. I would suggest that the same procedure be adopted as is now in force in Kistna delta and that all fields irrigated or which can be irrigated from a source not authorized by competent authority be charged penal assessment. In the present case a certain authorized source was provided. This source was tampered with and altered and so became an unauthorized source, and I would therefore recommend that the 21·36 acres under this pipe sluice be charged penal assessment. I shall be obliged by your letting me know whether you can take any action which will prevent sluices being altered and interfered with in future.

From the Collector of Coimbatore, to the Executive Engineer, Coimbatore Division, dated 30th April 1897, No. 1482-Rev.

With reference to your letter, No. 4179, dated 7th December 1896, I have the honour to forward herewith an extract from Board's Proceedings (Land Revenue), Mis. No. 1502, dated 23rd April 1897, from which it will be seen that the Board does not approve of the proposal to charge penal assessment as punishment for cases like the one under reference. But they have called on me to submit proposals for strengthening the present establishment on the channels to watch the sluices, stating that if this be done the establishment can fairly be held responsible for the injuries to sluices.

Copy of extract from the Proceedings of the Board of Revenue (Land Revenue), Mis. No. 1502, dated 23rd April 1897.

* * * * *

2. The Board does not consider it advisable to charge penal assessment as suggested by the Collector and the Executive Engineer when the sluices or other sources of supply are tampered with and where it is impossible to trace the authors of the mischief. The practice in the Kistna and Gódávari deltas alluded to in paragraph 3 of the Collector's letter, dated 23rd February 1897, is based apparently on rule 5 of the delta water-rate rules authorizing the levy of double water-rate when water is taken from a sluice or channel or other source of supply, other than that which is provided or approved by a responsible officer of the Public Works Department. The sluices in question under the Noyel river system are the recognised sources of supply and if they have been tampered with by their level being lowered or in any other way, they cannot be regarded in the same light as unauthorised sources falling within the scope of rule 5 above mentioned.

No. 91 I.

True copy with copies of the correspondence forwarded to the Chief Engineer for Irrigation for such action as he may think necessary.

The undersigned concurs with the Executive Engineer's remarks. The Board's ruling, that so long as no new source of supply is opened out by the ryots, their altering the level or the dimensions of the authorized sources of supply is a minor offence to which the Kistna penal rules would be inapplicable unless reconsidered, will, it is feared, leave the ryots master of the situation.

24th May 1897.

(Signed) J. HANNAN,
Supg. Engineer, IV Circle.

No. 504 D.

Forwarded to the Revenue Department for favour of remarks.

Ootacamund,
10th June 1897.

(Signed) W. HUGHES,
Chief Engr. & Joint Secy. to Govt., P.W.D.,
Irrigation Branch.

Proceedings of the Board of Revenue (Land Revenue), Mis. No. 2975, dated 10th August 1897.

G.O., No. 1145 R., Revenue, dated 15th June 1897.

Resolution—Mis. No. 2975, dated 10th August 1897.

In his letter of the 27th April 1896, disposed of in Board's Proceedings, Mis. No. 547, dated 12th February 1897, the Collector of Coimbatore represented that the sluices under the Noyel river system were reported by the Executive Engineer to have been injured by the ryots and that, though the detection of the offenders was found to be absolutely impossible, there was no doubt the mischief had been done for the advantage of some or all of the ryots holding lands under the river. He accordingly proposed to issue written notices to the ryots warning them that, if they should injure the sluices again, they would have either to pay for the repairs or forego the water-supply without the benefit of remission. The Board observed that Government would not be justified in cutting off irrigation from the lands of persons, whose guilt it was admittedly impossible to bring home to them, and directed that the responsibility of village officers for the safety of Government property in their charge should be enforced and rewards offered to any person who should bring the offenders to justice. The Government approved of the Board's instructions and added that some special means of watching the sluices should also be provided by strengthening the ordinary establishments (*vide* G.O., Mis. No. 1177, dated 2nd March 1897). The

Collector was requested to submit proposals accordingly and was at the same time informed that the proposal to levy penal assessment, made in his letter, dated 23rd February 1897, at the instance of the Executive Engineer, did not commend itself to the Board (*vide* Board's Proceedings, Mis. No. 1502, dated 23rd April 1897).

2. In its order read above, the Government has referred to the Board for report certain correspondence received from the Public Works Department on the same subject. In paragraphs 7 to 10 of his letter to the Superintending Engineer, forwarded with the latter officer's endorsement, the Executive Engineer points out that, as the petty establishments on the channels are entirely under the influence of the ryots, a mere increase to the numbers would be useless and that it would seem quite reasonable to make the parties, who benefit, responsible for the damage done. He also remarks that the penal assessment rule has had a salutary effect in Kistna. The Superintending Engineer entirely concurs with the Executive Engineer.

3. The Board does not find in the correspondence now forwarded to it any reason to alter the conclusions already arrived at, after due deliberation, in its Proceedings, Mis. No. 547, dated 12th February 1897, and Mis. No. 1502, dated 23rd April 1897. There can be no question but that the remedy of a penal assessment to be levied on all who benefited by any unauthorised interference with the irrigation works, would be most effective. The Board's decision was, however, based upon its view of the present legal position, and to this view it must adhere.

4. The High Court having ruled that no charge could be levied under Act VII of 1865 for involuntary flow of water irrigating dry lands, the Board in its Proceedings, No. 143, dated 5th May 1897, has proposed a revision of that Act so as to authorise Government to levy water-rate in all cases of actual use of Government water, whether voluntary or otherwise. Similarly in the class of cases now under notice no penal charge can, in the Board's opinion, be imposed on lands merely on the ground that they have benefited by an excessive flow of water consequent on an injury done to sluices. As such cases, however, are of frequent occurrence everywhere, the Board considers that legislation should be resorted to, so as to confer on Collectors adequate powers of control. A provision enabling the Collector to recover in such cases the cost of repair *plus* a penalty of, say, ten times that cost would be most useful. It might be applied to zemindari works also, after giving due notice stating that such and such works were placed under the proposed Act. The balance of the sum recovered, after paying cost of repair, might be devoted to some local purpose. The Board submits these suggestions for the consideration of Government in connection with the amendment of Act VII of 1865 already proposed in the Proceedings above quoted.

(True Extract.)

(Signed) R. C. C. CARR,
Secretary.

Office- note from the Chief Engineer for Irrigation, dated Ootacamund, 8th September 1897, No. 274.

With reference to our conversation regarding measures for preventing damage to irrigation works, I see that the Village Officers Manual, pages 57 and 58, sections 1 and 6, lays down that village authorities are responsible for the custody of works of irrigation and it is also their duty to prevent the ryots of their villages from doing anything which may endanger an irrigation work and also that the village authorities will be held responsible for any damage occasioned by their neglect of this rule.

2. Is the rule in actual operation? I have known at least one Collector maintain that the village officers had no responsibility.

3. If water could be shut off from a village when damage was done to a sluice, until such damage was repaired and the cost of restoration recovered from the village or village officers, it might prevent interference with sluices.

(Signed) W. HUGHES,
Chief Engineer for Irrigation.

No. 83 I., 31st January 1898.

G.O., Mis. No. 266, Revenue, dated 17th January 1898.

Order—Mis. No. 266, Revenue, dated 17th January 1898.

In the opinion of the Government as at present advised, there is no legal objection to charging a penal rate when water is taken surreptitiously to wet lands by interfering with regulators, sluices or dams. In the opinion of the Government the prevalence of such unlawful interference in the irrigation systems of the Coimbatore district is a sufficient reason for imposing such a rate on the lands benefited and the Board is requested to issue instructions accordingly.

2. The case with regard to dry lands is, however, different and the suggestions of the Board will be duly considered in carrying out the proposed amendment of Act VII of 1865.

(True Extract.)

(Signed) N. E. MARJORIBANKS,
Ag. Under Secretary to Government.

ORDER—No. 83 I., dated 31st January 1898.

Communicated to the Superintending Engineer, IV Circle, for information.

(True Extract.)

Under Secretary to Government,
Irrigation Branch.

To the Chief Engineer for Irrigation.
„ the Superintending Engineer, IV Circle.
„ all other Superintending Engineers.

Exd. A. F. Eccleston.

A.

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

12 P

READ the following

From Supg Engr, IV Circle No. 91, d/ 24 May /97.
P.W.D. Endorsement No. 504 D Irr, 10th June /97
Procs: Bd. of Rev, Land Rev, No. 2975 d/ 10 Augt /97
Office note from I, d/ 8 Sept /97.
G.O. Rev Dept, No. 266 Mis, d/ 17 Jan /98.

No 83 I d 31.1.98

Communicated to the Supg Engr, IV Circle, for information.

27/1/98

Issue

27.1.98

To
The Chief Engr for I.
Supg Engr IV Circle
All other S.Es

D 1/2/98

27/1/98

E. I. Form No. 1—1,000—2-2-97.

Public Works (1898) Department.

CURRENT No. 645

From
The Revenue Department.

Order

No. 266 Misc.

Dated 17th January 1898.
Received } 25.1.98
Registered }
Enclosures 11
Spare copies

To Office to expedite return
24/1/98

SUBJECT.

Stating that there is no legal objection to charging a penal rate when water is taken surreptitiously to wet lands by interfering with regulators sluices or dams and requesting the Board to issue instructions accordingly.

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

Revenue Department.

11-P

W.
PT.

Proceedings of the Madras Government.

Read again G.O. No:1145,R,d/15-6-97.

Read also Proceedings of the Board of Rev: Land Rev: No:2975,Mis,d/10th Aug:'97.

* copy attached.

Read also Office Note from the Joint Secy: to Govt:, P.W.D. Irrigation Branch,d/8th Sept:'97, No 274 regarding the responsibility of village authorities for the custody of works of irrigation.

Order thereon,No:266 Mis,dated the 17th January 1898.

In the opinion of the Government as at present advised, there is no legal objection to charging a penal rate when water is taken surreptitiously to wet lands by interfering with regulators,sluices or dams. In the opinion of the Government the prevalence of such unlawful interference in the irrigation systems of the Coimbatore District is a sufficient reason for imposing such a rate on the lands benefited and the Board is requested to issue instructions accordingly.

2. The case with regard to dry lands is, however, different and the suggestions of the Board will be duly considered in carrying out the proposed amendment of Act VII of 1865.

(True Extract).

Ag. Under Secretary to Government.

To The Board of Rev: Land Rev:
" P.W.D.,with encls: returned. ✓

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E. I. Form No. 34-F

GOVT. OF MADRAS. } **1897.** { P. W. DEPT.

CHIEF ENGINEER FOR IRRIGATION.

Ooty ~~Madras~~, 8th Septr 1897.

OFFICE NOTE No. 274

HD Please number this 11/9/97

Circulation Register.

To	From	Despatch Date.	Receipt Date.
The Secy Rev. Dept.	J	8.9.97	

KEEP-WITH.

No. , dated 189 .

With reference to our conversation regarding measures for preventing damage to irrigation works I see that the Village officers Manual pp. 57 & 58 - Section 146 lays down that Village authorities are responsible for the custody of works of irrigation and it is also their duty to prevent the ryots of their Villages from doing anything which may endanger an irrigation work & also that the Village authorities

Indexed

authorities will be held responsible for any damage occasioned by their neglect of this rule.

2. Is the rule in actual operation. I have known at least one Collector maintain that the Village officers had no responsibility.

3. If water could be shut off from a village when damage was done to a sluice, until such damage was repaired and the cost of restoration recovered from the Village or Village officers, it might prevent interference with sluices.

(Sd.) W. Hughes

8.9.97

Note

No reply from Rev. Progress yet

W.R. 7/12

Later case R/1227/18-12-97

98

Proceedings of the Board of Revenue

Land Revenue.

No: 2975, Mis, d, 10th August 1897.

Full Board.

Read G.O. (Rev: Dept). No: 1145 R, d, 15th June 1897.

Resolution:

In his letter of the 27th April 1896, disposed of in B.P. No. 547 Mis, d, 12th Feb: 1897, the Collector of Coimbatore represented that the sluices under the Noyel river system were reported by the Executive Engineer to have been injured by the ryots and that, though the detection of the offenders was found to be absolutely impossible, there was no doubt the mischief had been found done for the advantage of some or all of the ryots holding lands under the river. He accordingly proposed to issue written notices to the ryots warning them that, if they should injure the sluices again, they would have either to pay for the repairs or forego the water-supply without the benefit of remission. The Board observed that Govt. would not be justified in cutting off irrigation from the lands of persons, whose guilt it was admittedly impossible to bring home to them, and directed that the responsibility of village officers for the safety of Government property in their charge should be enforced and rewards offered to any persons who should bring the offenders to justice. The Government approved of the Board's instructions and added that some special means of watching the

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2. In its order read above, the Government has referred to the Board for report certain correspondence received from the Public Works Department on the same subject. In paras. 7 to 10 of his letter to the Superintending Engineer, forwarded with the latter Officer's Endorsement, the Executive Engineer points out that as the petty establishments on the channels are entirely under the influence of the ryots, a mere increase to the numbers would be useless and that it would seem quite reasonable to make the parties, who benefit, responsible for the damage done. He also remarks that the penal assessment rule has had a salutary effect in Kistna. The Superintending Engineer entirely concurs with the Executive Engineer.

recd. with R. No. 21 C./97 disposed of by d° Subst No. 504 10/6/97

3. The Board does not find in the Correspondence now forwarded to it any reason to alter the Conclusions already arrived at, after due deliberation, in its Proceedings Nos. 547 Mis, dated 12th February 1897, and 1502 Mis, d/ 23rd April 1897.

There

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There can be no question but that the remedy of a penal assessment to be levied on all who benefited by any unauthorised interference with the irrigation works, would be most effective. The Board's decision was, however, based upon its view of the present legal position, and it ~~it~~ to this view it must adhere.

4. The High Court having ruled that no charges could be levied under Act VII of 1865 for involuntary flow of water irrigating dry lands, the Board in its Proceedings No: 143, dated 5th May 1897 has proposed a revision of that Act so as to authorise Government to levy water-rate in all cases of actual use of Government water, whether voluntary or otherwise.) Similarly in the class of cases now under notice no penal charge can, in the Board's opinion, be imposed on lands merely on the ground that they have benefited by an excessive flow of water consequent on an injury done to sluices. As such cases, however, are of frequent occurrence everywhere, the Board considers that legislation should be resorted to, so as to confer on Collectors adequate powers of control. A provision enabling the Collector to recover in such cases the cost of repair *plus* a penalty of, say, ten times that cost would be most useful. It might be applied to Zemindari works also, after giving due notice stating that such and such works were placed under the proposed Act. The balance

of

of the Sum recovered, after paying cost of repair, might be devoted to some local purpose. The Board submits these suggestions for the consideration of Government in connection with the amendment of Act VII of 1865 already proposed in the Proceedings above quoted.

(True Extract)

(Signed) R. C. C. Carr,
Secretary.

To

The Secretary to Govt., Rev. Dept.,
with papers returned.

(True Copy)

W. E. Marjoribanks
Ag. Under Secretary to Govt.
R. D.

Do. 11
6605 (98)

RI
19 Jan 98

R 21. C I
24.6.97

Endt of S.E. IV. No 91/I of 24.5.97 to E. I. reporting the proper method of preventing injury to Sluices under the Thadapalli channel by the ryots.

—

No. 504-D.

Forwarded to the Revenue Dept for favor of remarks

(Sd) W Hughes
Chief Engr & Jt
Secy to Govt P. W. D.
Irrign Branch

Ody
10-6-97

Despd 11.6.97 thro W. office giving D. No 504 D/11.6.97

no in file –

of E. Ed letter No 4179/7.12.96
e Collector of Coimbatore

do – Coll's letter No 82/Rev of 30.4.97 to the
Engr. Coimbatore Divn

Copy of Extract of Bd's Pro (Land Rev) No 1502 Mis/23.4.97

Copy letter fm the E. E. Coimbatore Divn to the 4th Circle – No 1877 of – – ~~Sluice~~ with S.E.'s Endt thereon No 91/I of 24.5.97

Copy of Go. Judl. No 1928 of 6.12.96. with Rvd. Go. No 97 I of 11.1.97

do – P.W.D. Go. No 2209 W/28.8.82 ✓

— do — do — 832 W/29.3.82 ✓

— do — do — 326 I/21.5.81 +

1 — do — do — 13 I/8.1.80 ✓

1 — do Irrign & Navign ~~Bill~~ No 1 of 1884 ✓

R. 924 of 19.12.98 (Simply case) ✓

Lalei Case
PWC 6147 I 25-6-97
R386 I 23-7-97

No. [illegible]

From

The Collector

of Coimbatore

To

The Executive Engineer

Coimbatore Division

Sir

With reference to your letter No. [illegible]
of 7th December 1897, I have the honour to forward
7 herewith an extract from Board's Proceedings
(Land Revenue) No. 802 dated 23rd [illegible]
1897 from which it will be seen that the
Board do not approve of the Madras [illegible]
large penal assessment as punishment [illegible]
cases like the one under reference [illegible]
they have called on me to submit [illegible]
for strengthening the present establishment
the [illegible] to watch the sluices [illegible]
that if this be done the establishment [illegible]
[illegible] be held responsible for the [illegible]
to sluices.

I have the honour [illegible]

[illegible]

Collectors Office
30th April 1897

No. 1482
Rev.

From,
The Collector.
of Coimbatore.

To,
The Executive Engineer.
Coimbatore Division.

Sir

With reference to your letter No. 4179 d/ 7th December 1896, I have the honour to forward herewith an extract from Boards Proceedings (Land Revenue) No. 1502 Mis. d/ 23rd April 1897, from which it will be seen that the Board does not approve of the proposal to charge penal assessment as punishment for Cases like the one under reference. But they have called on me to submit proposals for strengthening the present establishment on the Channels to watch the Sluices, stating that if this be done the establishment can fairly be held responsible for the injuries to Sluices.

I have the honor &c.

(Sd) S. Sounderaraja Aiyangar
For Collector.

Supg. Engineer 4th circle ("True Copy")

Collectors Office
30th April 1897

No. 1482
Rev.

From, The Collector.
of Coimbatore.

To, The Executive Engineer.
Coimbatore Division.

Sir

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I have the honor &c.

(Sd) S. Sounderaraja Aiyangar
For Collector.

Supg. Engineer 4th circle ("True Copy")

CHIEF ENGINEER
FOR IRRIGATION.
[illegible] MAY. 1897
No. [illegible]

Copy of letter No. 4179 d/ 7th December 1896 to the Collector of Coimbatore.

I inspected the Thadapally side channel $\frac{18}{0}$ to $\frac{22}{0}$ of Thadapally Channel on the 30th October 1896. During my inspection I noticed that the bund had been quite recently disturbed over the iron pipe Sluice No. 18 in the side Channel bank at 21 mile 4¼ furlongs.

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I enclose a statement showing the area irrigated by the pipe Sluice to be 21·36 acres.

I need not dwell on the utter uselessness of trying to improve the Irrigation under the Channels in this District if steps are not taken to preserve Sluices in the positions and at the levels fixed by Competent authority. I would suggest that the same procedure be adopted as is now in force in Kistna delta and that all

all fields irrigated or which can be irrigated from a source not authorized by Competent authority be charged penal assessment. In the present Case a certain authorized Source was provided. This Source was tampered with and altered and so became an unauthorized Source and I would therefore recommend that the 21·36 acres under this pipe sluice be charged penal assessment. I shall be obliged by your letting me know whether you Can take any action which will prevent sluices being altered and interfered with in future.

I have &c
Sd/ A. A. G. Malet
Ex. Engineer.

(True Copy)

Supg Engineer, 4 Circle

CHIEF ENGINEER
FOR IRRIGATION.
27 MAY 1897
R 2169

Gw.s.1 / 6Ex/18

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4826.

Copy of Extract from the Proceedings of the Board of Revenue (Land Revenue) dated 23rd April 1897 No 1502 Mis.

* * *

Para 2. The Board does not Consider it advisable to charge penal assessment as suggested by the Collector, and the Executive Engineer when the sluices or other sources of supply are tampered with and where it is impossible to trace the authors of the mischief. The practice in the Kistna and Godaveri Deltas alluded to in para 3 of the Collector's letter, dated 23rd February 1897 is based apparently on rule 5 of the Delta Water-rate-rules authorizing the levy of double water-rate when water is taken from a sluice or Channel or other Source of supply, other than that which is provided or approved by a responsible Officer of the Public Works Department. The sluices in question under the Noyal River System

Bos Standing order Appendix 4 (Water rate rules)

System are the recoginised sources of supply and if they have been tampered with by their level being lowered or in any other way, they cannot be regarded in the same light as unauthorised sources falling within the scope of rule V above mentioned.

(True copy)

Sd/ S. Soundaraaiengar
for Collector.

(True Copy)

Sd/ M. G. Pereira
Acct. for Executive Engineer

(True Copy)

Supg. Engineer, 4 Circle.

CHIEF ENGINEER FOR IRRIGATION.
27 MAY. 1897
No. A21C1
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Letter from the Executive Engineer Coimbatore Division to the Superintending Engineer, 4th Circle No. 1877.

I have the honor to enclose copies of my No. 4179 d/ 7th December 1896, to the Collector of Coimbatore and his reply No. 1482 Rev. d/ 30th April 1897 enclosing copy of extract of Boards Proceedings No. 1502 mis: d/ 25th April 1897.

2. It is not for me to traverse the Boards decision, but the question as affecting this, and I presume other Districts, is so important, that I think it should be brought to the notice of the Chief Engineer for Irrigation.

3. There are three classes of Channels in this District.

(1) Imperial and entirely under the Control (as regards the main distribution of Water) of the P.W. Department viz: The Thadapally, Arkenkottah and Kalingarogen Channels.

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(2) Imperial, (but as regards water distribution) entirely under the Control of the Revenue Department and for which Repairs and Improvements are carried out by the P.W. Deptt:

(3) Minor which both as regards distribution and repairs are entirely under the Control of the Rev: Deptt:

4. The Channels under class (1) are now being or are about to be resluiced under orders from Government and from you.

As regards channels under classes (2) and (3), I have received requisitions from the Collector for resluicing and general improvements, such as Regulators, Dams &c for several of the Channels and expect to receive similar requisitions for other Channels.

5. There are numerous instances in all these Channels in which:

(a) Unauthorized sluices or cuts have been opened.

(b) Regulators or Dams Constructed for the better regulation and distribution of water have been tampered with, their levels altered and the works more or less destroyed.

(C) New sluices have been removed entirely or had the dimensions of their vents altered or their sills lowered

6. The Board apparently consider that cases coming under (b) and (C) do not make an authorized source an unauthorized one, although the Act performed results in entirely altering the conditions of the work concerned.

The Board proposes as a remedy with a view to preventing mischief, that the Petty establishment employed on these Channels should be increased sufficiently, and that in case of any mischievous act being performed, this Petty establishment should be held responsible.

7. Experience shows that the Petty establishment (Nir Manigars, Niranies &c) are entirely under the influence of the ryots and land owners, and that they do not even report cases of mischief and there is no reason

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to believe that, if the existing Establishment is doubled or trebled that the result will be different to what it now is.

8. I think it will be conceded that the extra establishment cannot prevent mischievous acts. That if they report the acts, it will in no way prevent such acts being performed again and that even if they see any such act actually being done, their evidence will rarely be accepted as against that of ryots, as the men are as a rule alone and being ignorant are unable to give correct evidence or to stand cross examination.

9. The Boards proposals throw all the expense both of trying to prevent acts of mischief and of executing repairs necessitated by the acts on to Government. There is no doubt whatever as to who immediately benefits by the acts and it would only seem reasonable to make the parties who benefit responsible for the damage done.

10. I was in the Kistna when the Penal Assessment rule was introduced and I can answer for it that the rule operated immediately in a most effective way, putting a stop to nearly all the acts complained of without any undue hardship on the ryots.

11. I feel sure from past experience that it is useless to try and improve these channels by resluicing, building regulators &c unless the Revenue Deptt. can give some guarantee that the improvements effected will not be rendered useless by mischievous acts; and unless some guarantee of this kind can be given, I would recommend that no improvements be carried out and that an order be issued to that effect.

12. The same difficulties existed when I was in this District as an Assistant Engineer 19 years ago; and I do not see how any improvement can be effected unless the Revenue

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Department are prepared to introduce effective rules.

I understand that the Collector supports me in this view of the question.

Nº $\frac{91}{9}$ d/ 24th May 1897

True copy with copies of the correspondence forwarded to the Chief Engineer for Irrigation for such action as he may think necessary.

The undersigned concurs with the Executive Engineer's remarks. The Boards ruling that so long as no new source of supply is opened out by the ryots their altering the level or the dimensions of the authorized sources of supply is a minor offence to which the Kistna penal rules would be inapplicable unless ~~recommended~~ reconsidered, IH will it is feared, leave the ryots master of the situation.

CHIEF ENGINEER
FOR IRRIGATION.
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