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MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1165	Press Mis.
Dated	19-9-	1867

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
19th September 1867.*

No. 167. Read the following Proceedings of Government in the Revenue Department, dated 14th September 1867, No. 2172.

Ruling that the Kurnool Municipality } (Vide Proceedings, Revenue Department, dated 14th September 1867, Nos. 266 & 267).
have no claim to the water-rate levied }
on cultivation within Municipal limits. }

No. 168. ORDER THEREON, 19th September 1867, No. 1165.

To be recorded.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. Talloch.

*Proceedings of the Madras Government, Revenue Department,
14th September 1867.*

Read again Government Proceedings, dated 8th August 1867, No. 1,833, Revenue Department.

No. 266. Read also the following letter from the Consulting Engineer for Irrigation and Canal Company, to the Secretary to Government, Revenue Department, Fort St. George, dated Camp at Puggydial, 14th August 1867, No. 56 :—

1. I have the honor, in acknowledging the receipt of Proceedings of the Madras Government, of the 8th instant, No. 1,833, to state that it appears to me quite clear that the Municipality of Kurnool have no claim whatever to the water-rate on lands within the Municipal limits irrigated by the Madras Irrigation and Canal Company.

2. The Municipality have arranged to pay the Company certain sums annually for a supply of water for the use of the town, which is a supply for a purpose other than that of irrigation, and, whatever may be the details of distribution, the water used for lands within the Municipal limits is no portion of the town supply.

3. The Commissioners can claim from the Company the full quantity of water to which the town may be entitled, and they can dispose of it for any purposes, other than those of irrigation, which may seem to be advantageous to the inhabitants. On the other hand, every acre of land which may be irrigated must necessarily be supplied with other water than that intended for town uses, and the irrigation water-rate has to be paid upon it, and forms part of the Irrigation revenue of the Company.

4. From inquiry I learn that most of the irrigated land within the Municipal limits is supplied by channels, which are distinct from that which conveys water to the town, but that there are some lands which receive water by means of the town channel. It appears to me that the Commissioners are fully entitled to require the delivery of the town supply at a convenient point, and thereafter to keep this supply entirely under their own management. If, therefore, they object to irrigation water being conveyed by the town channel, they are at liberty to prevent this being done for the future.

5. The limits of the Municipality were, I believe, not fixed until after the agreement with the Company for the town supply was entered into. These limits might have embraced a larger or a smaller extent of cultivated land, and it is quite possible that the value of the water cess, instead of being three-fourths of, might have been three or four times as great as, the sum to be paid for the town supply; but, according to the view expressed by the President of the Municipal Commission,

Proceedings Madras Government, Revenue Department, 1st June 1867, No. 1,237.

the town would in that case have been liable to pay nothing for its supply, and would have derived a considerable

income from water, for the obtaining of which it had incurred no expense whatever. The agreement between the Town and the Company makes no reference to the irrigation of land, for the simple reason that neither party to that agreement had any power to regulate the allotment of irrigation water, the whole of which the Company are bound to dispose of in accordance with engagements entered into with the Secretary of State.

*Proceedings of the Madras Government, Revenue Department,
14th September 1867.*

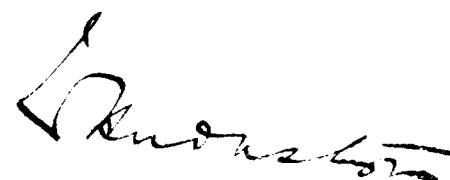
No. 267.

ORDER THEREON, 14th September 1867, No. 2,172.

Irrigation, No. 10.

1. Ordered that the above papers be communicated to the President, Kurnool Municipality, with reference to his letter dated 16th April 1867. The Government are decidedly of opinion that the Municipality have no claim to the water-rate levied on cultivation within Municipal limits.
2. Under the contract with the Irrigation Company, the Government have the option of taking from the Company, at a mutually agreed rate, all water supplied for irrigation; and this option having been exercised, the Government are liable to the Company for payment for all water so used. The relinquishment to the Municipality of the Government revenue from irrigated land within Municipal limits would not relieve Government from this liability, while on the other hand the Municipality are not liable to the Company for payment for water used for irrigation.
3. It rests with the Municipality to require that their supply for purposes other than irrigation shall be so delivered as to relieve them from risk of an over-charge.

(True Extract.)


Secretary to Government.

To the President, Kurnool Municipality.
„ the Consulting Engineer for Irrigation and Canal Company.
„ the Board of Revenue.
„ the Public Department.

Exd. S. T. Augustin.

*Proceedings of the Madras Government, Revenue Department,
8th August 1867.*

No. 155. Read the following Proceedings of the Board of Revenue, dated 29th July 1867, No. 4,851.

Read the following letter from the Collector of Kurnool, to the Secretary to the Board of Revenue, dated 11th June 1867, No. 163:—

In reply to the Board's Proceedings, dated 5th June 1867, communicating Government Order, Revenue Department, No. 1,237, dated 1st June, I have the honor to inform you that I never intended my letter to Government should lead to the impression that the Kurnool Municipality really paid for the irrigation of any land, for such is not the case. The

* To be supplied with water at 400 cubic yards per hour during the twenty-four hours of the day, or 800 cubic yards per hour for twelve hours daily. fact is simply that the Municipality pay 2,000* Rupees this year for water to the Company; of that water ryots, Inamdars and others, use a considerable

quantity for irrigation purposes, and pay the water rate (Teerwajasty) to Government. The Municipal Commissioners, considering that the whole of the water supplied to the Municipality is actually their own property by right of purchase, deemed it necessary to apply to Government to pay them the money collected by the Government as Teerwajasty from cultivators within the limits of the Municipality. The Teerwajasty is certainly credited to the Irrigation Company, but as it received into the treasury, the Commissioners were of opinion it would save trouble to have the money paid to them as collected by the Revenue Officers.

1. Resolved that the foregoing letter be submitted for the orders of Government, with reference to Government Order, dated 1st June 1867, No. 1,237, Revenue Department. Act XXX of 1865 empowers the Irrigation Company to levy a fixed rate for water supplied for purposes other than irrigation. The Municipality of Kurnool pay the Company 2,000 Rupees this year for water, for the supply of the inhabitants. Part of this water the inhabitants use for watering their fields, and it is stated are taxed at the authorized rates for irrigation, their payments being credited to Government in account with the Irrigation Company, and not to the Municipality. The Board are ignorant of the terms of the private arrangement between the Municipality and the Company, but if these do not restrict the Municipality in the use to which the water is applied within Municipal limits, then the Municipality are entitled to realize what they can for the water used within those limits for irrigation, and the levy of water cess by Government should be discontinued, past collections being refunded to the Municipality. It is obvious that, under such circumstances, the Irrigation Company cannot claim to be paid for the same water both by the Municipality and the landholder.

2. If, however, the terms of their agreement restrict the Municipality to the use of the water for other than irrigation purposes, and it is so used that Act XXX of 1865 applies, then the Municipality have no claim to water cess, and must be left to make their own terms with the Irrigation Company, so that they may not hereafter have to pay for more water than they require.

*Proceedings of the Madras Government, Revenue Department,
8th August 1867.*

No. 156.

ORDER THEREON, 8th August 1867, No. 1,833.

Miscellaneous.

Referred to the Consulting Engineer for Irrigation, who has received the previous papers, for his remarks.

(True Extract.)

(Signed) W. HUDLESTON,

Secretary to Government.

To the Consulting Engineer for Irrigation and Canal Company.
,, the Board of Revenue.

Exd. S. T. Augustin.

*Proceedings of the Madras Government, Revenue Department,
1st June 1867.*

No. 3. Read the following letter from the President of the Municipal Commission, Kurnool, to the Chief Secretary to Government, Fort Saint George, dated Kurnool, 16th April 1867, No. 52:—

1. I have the honour to inform you that the Commissioners have to pay for the current year 2,000 Rupees to the Madras Canal and Irrigation Company.

2. The payments prior to the introduction of the Municipal Act X of 1865 were insured by a small water-rate being assessed on all the inhabitants of the town who benefited by the water.

3. The Government have, however, ruled that under Act X of 1865, no water-rate can be assessed, and consequently no collections have been made, except of small sums assessed prior to the introduction of that Act.

4. Within the limits of the Municipality there is, as I have reported to the Board of Revenue, a large extent of cultivation between the Hindry and the Tum-budra rivers, and beyond that confined spot a great deal of cultivation, of which nearly 250 acres are "wet."

5. The wet lands have for this water to pay yearly 6 Rupees, and in cases of sugar-cane, &c., growth, 12 Rupees per acre to the Revenue Department.

6. The Commissioners are of opinion that all the revenue derived from water assessment within the Municipal limits should be, after collection, paid over to

Tirwajasty. the Municipal Commissioners, to enable them to pay the Company for the water supplied. To meet the demand the Municipal Act does not empower any charge to be made as a water assessment, &c., and it appears just that the collections made by Government for the water, which is paid for by the Commissioners, should be paid to the Municipality, a fair reduction being made for the costs of collection.

If the Government agree in considering the above principle correct, the Collector will be called on to supply detailed accounts of the land cultivated as wet, the water assessment charged, the amount collected, and the sum which should be paid to the Commissioners.

Transferred to the Revenue Department.

(Signed) F. BRANDT,

Acting Under Secretary.

FORT SAINT GEORGE,
14th May 1867.

ORDER THEREON, 1st June 1867, No. 1,237.

No. 4.

Miscellaneous.

1. Referred to the Board of Revenue for enquiry and report.

2. The Government conceive that the Collector must be altogether mistaken in supposing that the Municipality really pay for the irrigation of any land, the whole of the available supply for irrigation having been already disposed of to Government, and the rate charged by the Irrigation and Canal Company for the house-supply to Kurnool town being expressly fixed by the Legislature as that payable for water supplied for purposes *other than that of irrigation.*

(True Extract.)

(Signed) W. HUDLESTON,

Secretary to Government.

To the Board of Revenue.
,, the President Municipal Commission, Kurnool.
,, the Consulting Engineer for Irrigation and Canal Company.
Exd. S. T. Augustin.

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