Public Works (1896) Department.

RAILWAY BRANCH.

G.O., No. 1020-21 Railway

DATED

[Despatch Abstract.]

Local Taxation of Railways in British India

Papers on the subject of — forwarded to the Government of India.

—

Forwarding papers on the subject of —.

—

Indexed.

P. W. 20.
[1,000—11-2-99.]

7929

Public Works (1896) Department.

G.O., No. 762

DATED 18th September 1896

[Despatch Abstract.]

Current Metre: Re purchase of a — advertise for sale by Mr Hamilton of the College of Engineering, for the use of the Supts: Engineer on special duty, Canvey Delta, sanctioned.

P. W. 28.
[2000—8-4-06]
INDEXED 2/1/9

10. The Executive Engineers of the Kistna Eastern and Western divisions should, in my opinion, be appointed conservators of the right and left banks respectively; the charge of islands would follow the revenue charge and would be held to belong to the officer who conserves the margin of the village or estate to which the islands belong.

11. I think it probable that the surveyors would require two or more paddle boats, and when the charts are completed, and the regular conservancy of the river is undertaken, either paddle boats or steam launches will be required by the conservators. These should be arranged for beforehand.

12. When there is no river embankment, as on the right of the river above the anicut, there will be some difficulty in fixing the limit of the river bed and of determining the distance back from the natural margin to which the survey should be carried. I have never inspected this particular part of the river, but will do so, should you desire it, and report on this particular point.

13. I await further instructions regarding the survey.

From Lieutenant-Colonel P. MONTGOMERIE, R.E., Superintending Engineer, I Circle, to the Chief Engineer, Public Works Department, dated Waltair, 15th February 1885, No. 2632 G.D.

With reference to G.O., No. 2624 W., dated 27th October 1884, and subsequent reminder, I have the honor to submit a statement setting forth the limits of the several reaches of the river Godávari and its affluents within the Godávari district which it will be necessary to conserve in the manner prescribed by Madras Act No. VI of 1884, from which the drafts of notification required under sections 2 and 3 of the Act can be prepared.

2. From this statement I have omitted the names of the surveyors to be duly authorised under section 4, as none have yet been appointed; but I have indicated the Executive Engineers of the Public Works Department divisions who should have charge of each reach of the rivers.

Office note from the Chief Engineer for Irrigation, dated 2nd April 1885, No. 101.
From the Government Solicitor, Madras, dated 22nd April 1885, No. 137.

Order—dated 15th May 1885, No. 1154 W., Public Works.

With advertence to paragraph 3 of G.O., dated 11th September 1884, No. 200, Legislative, printed with proceedings, dated 27th October 1884, No. 2624 W., the following notification will be published in the *Fort St. George Gazette* and in the Gazettes of the Godávari and Kistna districts:—

"His Excellency the Governor in Council is pleased to notify, under the provisions of Madras Act VI of 1884 (the Madras Rivers Conservancy Act), that the conservancy of the Godávari and Kistna rivers requires to be provided for in the manner prescribed by the above Act.

"His Excellency in Council further directs that surveys be made of the Godávari and Kistna rivers for the purpose of determining the limits within which the above Act is to be applied, and that proper charts and registers be prepared setting forth the channels and all boundaries and land marks, and all other matters necessary for the purpose of ascertaining such limits."

2. The statement prepared by the Chief Engineer for Irrigation showing the limits of the several reaches of the rivers Godávari and Kistna and their affluents, which it is proposed to conserve, will be communicated to the Superintending Engineers concerned, for information and guidance in the preparation of the requisite surveys, which should be undertaken by the agency of the Public Works Department. Immediate arrangements should be made accordingly. The Government will, on application, be prepared to sanction such survey establishments as may be required.

The question of appointing conservators of rivers under section 6 of the Act will be considered when the charts have received the final approval of the Governor in Council under section 7.

(True Extract.)

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintending Engineers, I and II Circles, } with statement.
" Chief Engineer for Irrigation, }
" Revenue Department.
" Legislative "
" Superintendent, Government Press.

Exd. A. Grubert.
Spare Copies

CHIEF ENGINEER
22 MAY
1885
IRRIGATION

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of (1885) Madras.

PUBLIC WORKS.

Dated May, 15th.

Recd.

Encl.

G.O., 15th May 1885, No. 1154 W.

MAY.

Conservancy of the Godavari and Kistna rivers

Instructions issued for the — in accordance with Act VI of 1884.

8585

Public Works (1884) Department.

MADRAS ACT No. VI OF 1884.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

[*Received the assent of the Governor on the* 31*st March and of the Governor-General on the* 28*th August* 1884.]

An Act to provide for the Conservancy of Rivers in the Madras Presidency.

Preamble.

WHEREAS it is expedient to make provision for the conservancy of rivers in the Presidency of Madras; It is hereby enacted as follows:—

1. This Act may be cited as "The Madras Rivers Conservancy Act, 1884."

Notification as to the conservancy of rivers as provided by this Act.

2. The Governor in Council may from time to time declare, by notification in the *Fort St. George Gazette* and in the Gazette of every District in which any part of the river is situated, that the conservancy of any specified river requires to be provided for in manner prescribed by this Act.

Power to direct survey of rivers.

3. The Governor in Council may at the same time direct that a survey be made of such river for the purpose of determining the limits within which this Act is to be applied and that proper charts and registers be prepared, setting forth the channel and all boundaries and land-marks and all other matters necessary for the purpose of ascertaining such limits.

Powers of Surveying Officers to enter upon and survey lands.

4. All persons authorized to make a survey under Section 3 shall have the like powers to enter upon land and to do all acts necessary for the survey as are given in Sections 4 and 5 of The Land Acquisition Act, 1870, and subject to the provisos therein contained.

5. It

[PRICE, 1 ANNA 3 PIES.]

Duties of Surveyor.

5. It shall be the duty of the Surveyor appointed to make a survey of any river to note upon the charts thereof all cultivation existing or ordinarily carried on, and all groynes, buildings, plantations, constructions or obstructions within the surveyed limits of the said river, and to prepare a register, to be styled the Survey Register, containing the above particulars. The Surveyor shall also mark upon the charts the ordinary channel as it exists at the date of the survey so far as it can be ascertained.

Survey Register.

Power to appoint Conservators of Rivers, and indicate their jurisdictions.

6. For the purpose of carrying out this Act in respect of any river, the Governor in Council may appoint as many officers as may be deemed necessary, to be styled Conservators of Rivers, and may from time to time define, by order to be notified in the Gazettes of the districts in which any part of such river is situated, the limits of their several jurisdictions.

Such officers shall be liable to removal by order of the Governor in Council.

When notification declaring Act applicable to rivers may be published.

7. The charts prepared, as is provided in Section 3, shall, when completed, be exhibited for public information at the Cutcherries of all districts in which any part of the river so surveyed is situated, for a period of not less than ninety days. Any person or persons who may desire to raise objections to the boundaries or land-marks set forth in such charts shall be at liberty, during such period, to forward a statement in writing setting forth his or their objections to the Collector of the district in which the boundaries objected to are situated. At the expiry of such period, the Collector shall forward the said charts, with such statement of objections (if any) and his remarks thereon, to the Governor in Council, who shall then take the same into consideration, and may order such alteration in the said charts, or pass such other order thereon as to him may seem fit, previous to final approval of the said charts. On such final approval, the Governor in Council may, by notification in the *Fort St. George Gazette* and in the Gazette of every District in which any part of the river is situated, declare that the provisions of this Act shall apply to the said river within the boundaries and limits prescribed in the said charts.

River-bed defined.

The land within the limits so defined and approved by the Governor in Council shall be deemed to be the river-bed, and the limits shall, when necessary, be defined by boundary stones or other suitable marks to be set up.

Custody of Survey Register.

8. When the Survey Register affecting any portion of a river is completed, it shall be handed over with the charts to the Conservator of Rivers within whose jurisdiction the said portion is situated, and shall form part of the records of his office.

The Conservator shall thereupon furnish to the Collectors of the districts in which any part of such river is situated certified copies of the Survey Register and Charts.

Charts of rivers where to be deposited for public inspection.

9. Copies of all charts and registers prepared as provided in Section 5, as finally approved, shall be deposited in the office of the Collector of the district in which any part of the river so defined is situated, and shall be open to the inspection of the public at all reasonable times.

10. The

Power to alter limits of rivers.

10. The Governor in Council may from time to time, by notification in the *Fort St. George Gazette* and in the Gazette of every District in which any part of the river is situated, alter, extend, or restrict the limits of any such river-bed, and the altered limits shall be marked in the charts and defined in manner prescribed in Section 7.

Provided that no such alteration shall be made until full particulars thereof shall have been publicly exhibited and any objections made thereto disposed of by the Governor in Council as provided for in the said section.

New cultivation on land in bed of notified rivers, prohibited.

11. After such survey shall have been completed and approved and the notification as provided by this Act made by the Governor in Council, no new cultivation of any kind shall be commenced or carried on by any person upon any land within the limits of a river-bed as defined in Section 7 without the previous permission of the Conservator of Rivers in writing, and it shall not be lawful without such permission to cultivate within the limit of a river-bed any land which has been for any length of time submerged or washed away.

Penalty.

Whoever commences or carries on or attempts to carry on any new cultivation in contravention of this section, and of a notice from the Conservator to desist from such cultivation, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 500, or, in default of payment, to simple imprisonment not exceeding three months for every such offence.

Power to prohibit cultivation.

12. The Conservator of Rivers may, with the previous sanction of the Collector of the district, by an order in writing, require any owner or occupier of land usually cultivated, or cultivated with permission under Section 11 within such river-bed, to abstain from cultivating such land; and it shall be the duty of such owner or occupier to act in obedience to such order.

Penalty.

Whoever fails to comply with any order made by the Conservator of Rivers under this section shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 500, or, in default of payment, to simple imprisonment not exceeding three months for every such offence.

Constructions, plantations, &c., within river-bed without permission prohibited.

13. (1) Upon a survey being completed and the notification made as provided by this Act, any person intending to make or remove or extend any groyne, building or construction of any kind, or plantation, grasses or trees, within such river-bed shall, one month before beginning so to make, remove or extend, make an application in writing to the Conservator of Rivers for license to make or remove or extend such groyne, building, construction, plantation, grasses or trees.

(2) The Conservator of Rivers shall, within one month after receiving such application, pass such orders in writing thereon as he may deem fit.

(3) If the Conservator of Rivers does not pass orders in writing within one month after receiving such application, the applicant may proceed to make, remove, or extend such groyne, building, construction, plantation, grasses or trees in compliance with the terms of such application.

(4) An appeal from any order passed by the Conservator of Rivers under Clause 2 of this section shall lie to the Collector of the district, if the same be preferred within 60 days from the date of the receipt of such order.

(5) The

F ENGINEER

(5) The appeal shall be in writing and shall set forth concisely the grounds of objection to the decision of the Conservator of Rivers, and shall be heard and disposed of by the Collector of the district.

Penalty.

(6) Whoever does any act prohibited by this section shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 1,000, or, in default of payment, to simple imprisonment for a period not exceeding six months for every such offence.

Power to direct removal of constructions, plantations, &c.

14. The Conservator of Rivers may, with the previous sanction of the Collector of the district, by an order in writing, require the owner or occupier of any land within any such river-bed to remove any groynes, buildings, constructions, plantations, grasses, trees, or other thing upon such land which the said Conservator may deem to be an obstruction to the course of the stream of such river; and it shall be the duty of such owner or occupier to act in compliance with such order within a time to be mentioned in such order.

Provided that in the case of the removal of any building being so ordered, it shall be open to the owner or other person in charge thereof to appeal, through the Collector of the district, against such order to the Governor in Council within sixty days from the date of the receipt of such order; and in such case the order shall remain in abeyance until such appeal shall have been decided by the Governor in Council.

Notice of every appeal under this section, together with a copy of the petition of appeal, shall be sent by the appellant to the Conservator of Rivers at the time the appeal is sent to the Collector.

Penalty.

Whoever fails to comply with any order issued by the Conservator of Rivers under this section shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 1,000, or, in default of payment, to simple imprisonment for a period not exceeding six months for every such offence.

Particulars to be set forth in permits, and copies to be furnished to Collector.

15. The writings prescribed in Sections 11 and 13, clause 2, shall define and describe the kind and extent of the cultivation and the nature of the works or things authorized to be made or done, and it shall be the duty of the Conservator of Rivers from time to time to record or cause to be recorded the particulars contained in such writings in the Survey Register, and in the certified copies thereof in the possession of the Collector.

The Conservator of Rivers shall also furnish the Collector of the district with copies of all orders made by him under Sections 12 and 14.

Compensation to owner or occupier of land within river-bed for constructions removed.

16. Whenever under Section 12 or 14 the Conservator of Rivers directs the owner or occupier of any land to abstain from cultivating any land or to remove any groynes, buildings, constructions, plantations, grasses, trees or other obstructions or works existing at the time of the survey or subsequently authorized by the Conservator of Rivers, such owner or occupier shall be entitled to compensation for any damage sustained by him by reason of such direction.

Power to Conservator to do acts necessary to prevent danger to life or property.

17. The Conservator of Rivers may do any acts in connection with any river to which this Act has been applied which may appear to him to be necessary to prevent erosion or breach of embankments, encroachments by the stream, or danger to life or property, and for such purpose he may alter the course of any such stream.

Provided

Compensation for damage sustained by such acts.

Provided that compensation shall be made to any person who shall sustain any damage by reason of any act authorized by this section.

The Conservator shall furnish the Collector of the district with a report of every act done by him under this section.

Delegation of powers conferred on Conservator of Rivers to his subordinates.

18. All or any of the powers conferred upon the Conservator of Rivers by the preceding section may be exercised by such of his subordinates as may be nominated by him, provided such nomination be notified in the Gazettes of the districts in which any part of the river is situated.

Penalty for obstructing Conservators.

19. Any person who obstructs the Conservator of Rivers in doing any act authorized by this Act shall be deemed to have committed the offence described in Section 186 of the Indian Penal Code.

Conservators to be deemed officers in charge of rivers under Act I of 1858.

20. Conservators of Rivers under this Act shall be deemed and taken to be officers in charge of rivers within the meaning of Act I of 1858 (An Act to make lawful compulsory labour for the prevention of mischief by inundation, &c.).

Power to Conservator to cause removal of obstruction, &c., in case of default.

21. Whenever the Conservator of Rivers, in accordance with the provisions of this Act, requires the owner or occupier of any land to do any act or to remove any obstruction, and such owner or occupier fails to do what he is required to do within a reasonable specified time, such Conservator may cause such act to be done or obstruction to be removed and charge the expense of such act or removal to such owner or occupier.

Recovery of expenses of such removal.

The expense so incurred by the Conservator of Rivers shall be certified by him to the Collector of the district, who shall recover the same from such owner or occupier in the manner provided by law for the recovery of arrears of land revenue.

Power to make rules.

22. The Governor in Council may from time to time make and when made alter, add to, and repeal rules not inconsistent with this Act for the prevention of any injury to works constructed upon all rivers or upon any river to which this Act may be applied, and for the prevention of acts or omissions likely to affect injuriously the conservancy of such rivers or river; provided that no penalty for any one infringement of any such rules shall exceed Rs. 50.

All rules made under this section shall be published in three successive issues of the *Fort St. George Gazette* and of the Gazettes of every district in the Presidency in which any part of the river is situated to which such rules relate and shall not come into operation until one month after such publication.

Conservators, &c., to be public servants.

23. All Conservators of Rivers, Surveyors, and subordinates duly authorized under Section 18 of this Act shall be deemed to be public servants within the meaning of the Indian Penal Code.

Fines to be recovered under the Code of Criminal Procedure.

24. All fines imposed by this Act may be recovered in the manner provided in the Code of Criminal Procedure.

25. No