

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1676

Press
Mis.

78.79

Dated

6. 8. 1862.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
6th August 1862.*

No. 78. Read the following Proceedings of the Madras Government in the Public Works Department, dated 12th July 1862, No. 1,657.

Read the following:—

MINUTE BY THE HONORABLE THE PRESIDENT.

1. The rapid progress of the works of the Irrigation Company render it necessary that the Government should come to some definite understanding with the Directors on various points connected with the disposal of the water for Irrigation.
2. As a preliminary to this discussion, however, it behoves the Government to define clearly that which the Company may be held to have a right to dispose of. Hitherto all the great schemes of Irrigation undertaken by the Government have had reference to the Deltas at the out-fall of the rivers, such as the Godavery, Kistna, Pennair, &c., and in carrying out these the whole of the summer water of the rivers, that is the whole of the drainage of the river, and its affluents, has been made use of without hesitation. A claim has therefore been established to the use of this water in particular instances; but as schemes similar to those of the Irrigation Company are likely to be multiplied, it is advisable that the Government should at once establish a principle applicable to all cases, and not merely to that of rivers on the out-fall of which Irrigation has already commenced.
3. Now no rule is more clearly established than that which determines the right of the proprietor, through whose property a stream passes, to the use of the water of that stream: he may use it, but it must be in such a manner as not to deprive those lower down the stream of their rights; he must not therefore divert the water of one stream, and turn it into another channel; he must not, by spreading the water over his fields in irrigating them, expose it to the action of the sun which would speedily evaporate the whole. These are general rules, but of course they admit of much modification in their application to particular cases.
4. For instance, there can be no objection to the diversion of the water of one stream into the channel of another, provided a sufficient quantity is allowed still to pass down to supply the wants of the proprietors on the first stream.
5. There can be no objection to any system of irrigation which provides for the delivery at the tail race, or outlet of the system, of as much water as was passed through the head sluices.
6. This would seem to leave the matter very much in *statu quo*, and merely to establish the necessity of some special arrangement to meet each case.
7. But I think the Government might insist upon the adoption, in all future negotiations with Companies or individuals wishing to establish Irrigation works, of a principle that the whole summer water or a quantity equivalent to it should be allowed to pass down to the natural out-falls without let or hindrance.
8. It is only with reference to the scanty summer supply that any discussion is likely to arise; during the monsoon the body of water coming down is so large that every one has enough and to spare. With this amount at the disposal of the owners of property high up the river they would have an ample supply for all their wants.

(Signed) W. T. DENISON.

Resolved to forward the above Minute to the Consulting Engineer for the Irrigation Company, who will draw up a report upon the various principles therein enumerated, together with any other suggestions which may occur to him as essential to be kept in view and points which have to be provided for in connection with the Government disposing of the water of their rivers to private parties for Irrigation projects.

(True Extract.)

(Signed) W. I. BIRDWOOD, Colonel, R. E.,
Secretary to Government.

No. 79.

ORDER THEREON, 6th August 1862, No. 1,676.
Ordered to be recorded.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

7-6-10

Received 1862 Oct 10
of your Dr. Aug.
No. 2080.

Proceedings of the
Madras Court in
the S. M. O. case.

Dated 12th 3 July/62
Received 22nd 7

1676 No. 1676-6 Aug 1657.

"The Madras Court in
the S. M. O. case"
to the Court of Aug. for the
to do for the purpose of
signing a Report upon the
-advice of the Court, the
submitted, together with
any other suggestions which
may occur to them, as the
Court will be kept in view.
The Court will have the
pleasure of your committee.
I will be glad to discuss
with the Court, and discuss
the matter of their money."

Private letter for
signature please.

178779.

1676

No. 1676.

Received.

From the Court of
S. M. O. 1862