M.R.O. 14—18,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1084 Press ~~Mis.~~

303. 304

Dated 22 — 6 — ~~18~~84

Not to be folded or roughly handled

9/28

Proceedings of the Madras Government, Revenue Department, 22nd June 1864.

No. 303. Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Madras, 7th April 1864, No. 2,061 :—

SIR,

1. I am directed by the Board of Revenue to reply to the Government Order dated 16th January 1864, No. 103, Revenue Department, calling on the Board to discuss with Colonel Ludlow and Mr. Minchin, and to submit for the consideration of Government a draft of forms of account and regulations for irrigation from the Canal Company's works.

2. Colonel Ludlow had left Madras before the Government Order reached the Board, but the Board have had the advantage of conferring with Mr. Minchin in person, and the following proposals meet with that gentleman's concurrence.

3. The Board consider that it will materially aid the attainment of satisfactory arrangements, if it be clearly determined *who* is dealing with the Company for the water, whether Government or the Ryots, as at present there appears to be a considerable amount of uncertainty on this point.

4. The Contract (in the preamble) declares it to be one of the conditions of the agreement with the Company "that it should be left to the Government to decide in what manner the "returns from the works constructed shall be levied, and that the Government should have *the option* "of purchasing the water supplied for irrigation;" and it is provided in Section 13 that the price to be paid by Government to the Company for water supplied from the Company's works for the irrigation of land shall be determined by mutual agreement or by arbitration, and that the same price shall be paid by the cultivators to Government.

5. The Board infer from this and other parts of the Contract and from the tenor of the correspondence on the subject in this country that Government, in accordance with the option allowed them of purchasing the water from the Company for irrigation, intend to purchase it; in which case the Board observe that the Company have nothing whatever to do with the Ryots as regards irrigation, and that the sooner this is laid down beyond mistake, the better.

6. At present matters are in a half-and-half position, and points are discussed as if Government were merely an arbitrator between the Ryots and the Company; but this position is in no way recognized in the Contract, which appears to the Board to contemplate that either Government shall buy the water for irrigation, or that they shall have no concern in the matter.

7. Assuming, as the Board do, that Government under the option allowed them, intend to purchase the water supply available for irrigation, and to pay for it for the present at the rate of Rupees 4 per Acre fully irrigated for a single crop, which price is thus fixed as the maximum rate which at present the Government can charge the Ryot for the water, the following rules appear to the Board suitable and sufficient to regulate the matter; first premising that it does not appear that the Contract allows Government to make *any* deduction from the cost of the water due to the Company, for the expenses of collection by Government from the Ryot, which fact is in accordance with the opinion already expressed that either Government must deal directly with the Company for the purchase of the water, or else must altogether abstain from interfering between the Company and those who may purchase water from the works.

8. The rules, it will be observed, are partly for the guidance of the Collector in dealing with the Ryots, and partly to regulate the transactions between Government as represented by the Collector and the Company.

RULES.

I.—The Collector shall arrange through the Talook Officers for recording in each year the applications of individual Ryots for water to be supplied for irrigation to the first crop in the next ensuing season of cultivation, and the register for such applications shall be closed on the 1st April in each year.

II.—The Collector shall within 1st May of each year forward to the proper officer of the Irrigation Company a demand for the supply so required in each specified village in the then commencing season of cultivation, and the Company shall supply the water accordingly.

III.—The individual applications referred to in Rule I shall be recorded in the following form :—

Talook.	Village.	Name of Ryot.	Number of Field.	Extent of land.		Amount of water-rate on 1st crop per Acre.	Total demand for 1st crop.
				Acres.	Decimals.	Rs.	Rs. A. P.

A similar register shall be maintained of applications for irrigation to second crop cultivation.

IV.—A monthly Abstract Village Statement shall be prepared in the following form from the above registers, and furnished to the Officers of the Irrigation Company :—

Talook.	Village.	Number of Field.	Extent of land irrigated for 1st crop.	
			Acres.	Decimals.

V.—The Collector shall further cause to be opened and carefully maintained a Village account in the following form, according to which account the amount due by Government to the Company for water supplied shall be determined.

Full demand on account of irrigation applied for.		Remission.	Net adjusted balance of demand for irrigation actually received.	Grounds of remission as recorded by settling Officer.
No. of Field.	Amount. Rs. A. P.	Rs. A. P.	Rs. A. P.	

VI.—All questionsas to the sufficiency or otherwise of the supply shall be settled by the Revenue Officers of Government as they arise, and the adjusted demand of Government on the Ryots for irrigation from the Company's works shall be the measure of the claim of the Company on Government.

VII.—Sugar-cane cultivation when sufficiently irrigated to mature an average crop shall be charged for as two grain crops.

VIII.—Occasional irrigation to dry crops within the influence of the Company's Canals shall be applied for as required, and shall be supplied at the discretion of the Company's Officers. The charge for such occasional irrigation shall be at the rate of one Rupee per Acre for each effective flooding.

IX.—A separate register of such applications for irrigation to Dry crops shall be kept in the following forms :—

Talook.	Village.	Name of Ryot.	No. of field.	Extent.		How often flooded.	Rate per Acre.	Demand for irrigation.					
				Acres.	Decimals.			Total demand.					
							Rs.	Rs.	A.	P.	Rs.	A.	P.

An abstract of the above shall be furnished every month to the Company's Officers in the following form :—

Talook.	Village.	No. of field.	Extent.		Remarks.
			Acres.	Decimals.	

X.—The amount due by the Ryots for irrigation shall be collected by the Government officers together with and by the same proportionate instalments as the assessment on the land, and the Company shall be credited by like instalments with the amount due to them by Government.

XI.—In adjusting the claim of the Company on Government no charge shall be made for expenses of collection from the Ryots.

XII.—In adjusting the demand on wet cultivation, when the supply of water has proved insufficient to mature a full crop, remission shall be made in the same proportion from the assessment on the land, and from the full demand for water.

XIII.—The Government shall bear the loss out of the land assessment, and the Company shall bear the loss out of the full charge for water.

XIV.—The Company are bound to deliver the water on the land to be irrigated ; but if in order to facilitate the distribution of the available supply, the Government shall at any time undertake to execute or maintain the minor works in any village, with the consent of the Company's officers as a matter of mutual convenience, then the Company shall be chargeable with the cost of such work, and the Government shall be at liberty to debit them with the amount in adjustingthe year's account for irrigation supplied.

9. It does not occur to the Board that any other rules or accounts will be necessary in connection with the supply of irrigation from the Company's works, but deficiencies can be supplied hereafter as experience may dictate.

No. 301. ORDER THEREON, 22nd June 1864, No. 1,084.

Miscellaneous.

1. In the Order of Government dated 16th January last, No. 103, the Board of Revenue were instructed to confer with Colonel Ludlow and the Collector of Kurnool, and submit a draft of rules (with forms of Account) for regulating the supply of water, &c, from the works of the Irrigation Company.

2. The Government approve generally of the Rules, but the following need revision :—

Rule VI.—This would be very convenient, but unless the Company's Agent acquiesce in the Collector's decision, arbitration seems inevitable under the Contract. Doubtless, however, the Company's Officers will recognize the advantage of a simpler mode of settling differences of this nature, and agree to the nomination of one or more persons in each Talook or group of villages to settle such matters.

Rule VIII.—The Government do not see how this can be maintained. Whatever the irrigation be, the price must be determined as the Deed provides. It seems desirable, however, that the amount of charge for water supplied occasionally for dry land irrigation should be settled with the Company, provisionally at least, as that for Nunjah land has been.

Rule XII.—If the Company do not supply sufficient water to bring a crop to maturity, the deficiency of crop is caused by their default; and the Government think it only just that the remission which may be necessary should come out of the Water Cess to its full extent; and if this be insufficient, *then only* from the Government assessment on the land.

Proceedings of the Madras Government, Revenue Department, 22nd June 1864.

3. The Rules should further set forth the option which the Ryots have of declining to take water; the right of the Government to refuse to irrigate any particular village or tract, unless the Ryots engage to take water at a stipulated rate in such numbers and for such terms of years as will warrant the required outlay; the right of the Ryot even under such engagement or after application for water, to decline it, if it be not supplied in time for use, &c.

4. The Board will be requested to revise the Rules in accordance with the foregoing remarks, and re-submit them after conferring on the subject with the Agent of the Company.

(True Extract.)

(Signed) C. G. MASTER,
Deputy Secretary to Government.

To the Board of Revenue.
„ the Public Works Department.

Exd. S. T. Augustin.

Consulting Engineer's Office
Irrigation and Canal Compy.
Saint Thome 22nd September 1863

No. 282.

From,

Colonel S. C. C. Ludlow
Cons. Engineer I. & C. C.

To

D. Agnew Esqre.
Agent & Manager for I. & C. Co.

Sir

1 In Para 22 of the Contract between the Secretary of State and the Company it is laid down that a distinct set of Accounts should be kept shewing the amount of Revenue realized, and the charges of collection, the cost of repairs and that of maintenance of the Canal &c. The standard forms and Rules for the preparation of these accounts can be drawn out only when the principle and the mode of collection of the Revenue have been finally determined but as it is expected that the Company will supply water this year for some portion of the land in the Kurnool District, I think it necessary that an arrangement should be made at once for a temporary measure to secure a correct record of the irrigated area, the revenue derived from

from it and of the expenses incurred for the ordy
repairs and maintenance of the Canal &c.

2. I have therefore addressed the Collector of Kurnool on the subject and asked him to furnish me with a form of the Returns he would require from the Company's Officers shewing the area of the land to which water is supplied and of those which he will have to furnish to the Company of the amount of water rates due to them. On the receipt of these I will again write to you on this point

3. I think that the cost of the Irrigation Establishment and of the repairs &c. should not be met from the funds drawn for construction but from a separate assignment for which the sanction of Government must be solicited at once. The actual expenses from this assignment should be shewn in separate documents and not mixed up with the construction &c. Accounts. Should you agree with me in this opinion I request you will be good enough after communicating with the Chief Engr. on the subject to furnish me with a Memo shewing the amount likely to be required for the expenses in question up to the end (30th April 1863) of the current official year 1863-64 in order that

that the necessary application may be made to Government for placing that sum at your disposal.

I have the honor &c.
(signed) S. C. E. Ludlow Colo
Consulting Engineer
Irrign C.

No 66

Consulting Engineers Office
Irrigation and Canal Co.
Saint Thomas 22nd September 1863

From

Colonel S. C. E. Ludlow
Consulting Engr. I. & C. Co.

To

J. S. Minchin Esqre
Collector of
Kurnool

Sir

The standard forms and rules for the preparation of the Company's Revenue Accounts will be drawn out as soon as the principle and mode of collecting the water rates

rates have been finally determined by Government, but, as it is expected that the Company will supply water to some of the lands in your District this year, I think it necessary that some temporary arrangements should be made for securing a correct record of the area of land irrigated by them and the revenue derived therefrom so that there may be no confusion in adjusting their claims in due course

2 I shall therefore feel obliged by your favouring me with a form of the Return you would require from the Company's Officers shewing the area irrigated and of that which you would propose to render to the Company shewing the amount of water rates due to them.

I have the honor to be
Sir
Your Most obedt Servt
(signed) S. O. E. Ludlow Colle
Consulting Engineer
Irr: G.C. Co

Kurnool
Collector's Office
28th September 1863

No. 302

From.
J. A. Reinchin Esqre
Collector of Kurnool

To
The Consulting Engineer M. I. G. Co
Madras

Sir

With reference to your letter of the 22nd Instant No. 66, I have the honor to forward a form shewing the extent of land irrigated by and amount of water-rate due, to the Irrigation Company, to be kept in the Collector's Office

2 It will be necessary for this statement to be kept in detail but an abstract of the same shewing merely totals for each village would perhaps afford as much information as would be wanted by the Agent of the Company

3 With reference to the form, shewing the area irrigated, to be prepared by the Company's Officers, I doubt whether it will

&c

be possible for them, when Irrigation becomes at all extensive, to give any exact account of it. They can state correctly the amount of water distributed by their channels, but as they will have no power to measure land & crops, they could only give the extent of cultivation on estimate, or hearsay, upon the absolute correctness of which little reliance could be placed, though it might be useful as a check.

I have the honor &c.

(Signed) J. S. Minchin

Collector

Statement shewing the extent of Irrigation supplied by the Company in the Kurnool District to be prepared by the Company's Officers.

Talook	Village	Extent of land	Extent of land under 2d crop.	
1	2	3	4	

Statement shewing the extent of land Irrigated by and the amount of water rate due to the Madras Irrigation and Canal Company Kurnool District for the Fusly Year

Talook	Village	Cultivator	Extent of Land			Extent under 2d crop	Amount of water rate	
			Acres	Coombas	Kanies			
1	2	3	4			5	6	7

(Signed) J. S. Minchin

Collector of Kurnool

No. 3141

Canalking Engineer's Office,
Irrigation & Canal Comp.y
Saint Thome 7th October 1863

From.

Colonel S. O. C. Ludlow
Canalking Engr. I. & C. Co.

To

F. Agnew Esqre
Agent & Manager for I. & C. Co.

Referring

Sir

Referring to para 2 of my letter No. 282 of the 22d Ultimo. I have the honor to forward herewith (5) copy of a letter† and its accompanyments from the Collector of Kurnool and request that you will be good enough to inform me whether the Abstract Statement referred to in para 2 of this letter shewing the area of land irrigated and the amount of water rate due to the Company will be sufficient for your purpose

† Re. 302 of 28th 1/63

2 With reference to the point noticed in para 3 and 4 I shall feel obliged by your informing me whether the measurements of the irrigated area as taken by the Government Servants the Collector's Department, will be satisfactory to the Company and if not, how you would propose that the measurement should be taken or checked by the Company's Officers.

I have the honor &c.

/Signed/ S. O. C. Ludlow Colonel.
Consulting Engr. G. I. P. Ry.

/True Copies/

J. O. Ludlow Lt.
Consulting Engr. for G. I. P. Ry.

Compd. C.S.

Forwarded Revd 8th Nov.

Forwarding for Letter No. 103 from the Secretary Govt. Genl. Dept. to Secretary to Government P.W.D. dated 19th Nov. 63

Copies of correspondence relative to the advance of expenditure for collection of water rate

Rec'd 26th Dec. 1863.

MADRAS IRRIGATION AND CANAL COMPANY.

MADRAS, 7th November 1863.

No. 1436

From,

J. S. N. Budd Esqre.
Ag. Agent M. I. & C. Co.

To,

Col. S. O. E. Ludlow
Cons. Engineer I. & C. Co.

Sir,

With reference to your letters No. 282 and 314 dated respectively 22d September and 7th October 1863, I have the honor to forward herewith copy of a letter from the Chief Engineer, relative to the question of the collection of the Company's Water Rates, and the check to be exercised by the Company's Officers on the quantity of water necessary to be supplied and the area of land brought under irrigation.

No. 772 of 28th Oct. 1863.

2d. The views of the Chief Engineer on the several points noticed in his letter have my entire concurrence, but as the Board of Directors have not expressed their opinion on the subject, the arrangements which it may be necessary to carry out at once to meet the requirements of the years irrigation must be viewed only as a temporary measure.

3d. With reference to para 6 of the Chief Engineer's letter I beg that you will communicate with the Collector of Kurnool, in view to a revision of the form of statement as required by the Chief Engineer.

Madras Jnr: Dept.
Chief Engineer's Office
Kurnool 28th Octr: 1863

No. 772

To
C. Andrew Esqre.
Agent Madras

Dear Sir,

I beg to acknowledge the receipt of
Col: Ludlow's letter 7th instant with enclosure
from Mr. Minchin 28th ultimo.

2 In dealing with the subject brought for-
ward in the above correspondence, I must re-
fer to the arrangements proposed, and as I
supposed agreed to by the Government for
collecting the Revenues of the Company.

3 In my letter 30th April last paragraph
2 I suggested that if as proposed by Col: Ludlow,
and fully in accordance with my view, we deli-
vered water at a Village boundary sufficient for
the land to be irrigated in that village, leaving
the village authorities to carry out the field dis-
tribution, it would be necessary that "Notice
"should be given to the Company's Superintendent
"of Irrigation, or other deputed Agent of the breadth
"of land requiring water for the season, and the
"area should be paid for whether the water is
"used or wasted."

4 Mr. Minchin in the 8th paragraph of his
letter expresses a doubt whether it will be pos-
sible for the Company's Officers when irrigation
becomes extensive to give any exact account of
the

* No. 314
* " - " - 302

No. A.A.
No. 427 of 30th April 1863

4th The question of the form of Accounts to
be established for this purpose may be deferred
for discussion at a future date, when the regu-
lations for the collection of the Revenue have
been decided upon.

5th I agree with you that the Capital
and Revenue Accounts should be kept distinct
and that a separate assignment should be obtained
from the Government to meet the expenditure
under the latter head. I am in communication
with the Chief Engineer on this subject and
shall address you further at an early date.

I have the honor to be
Sir
Your most obedt Servt.

W. Ludlow
Col: Agent

J. A.

the area irrigated, and proposes in the 2d paragh
to furnish an abstract of the Statement kept
in the Collector's office as affording sufficient
information for the Company's the Abstract
giving the total area of each Village.

5. If the arrangement I proposed is
carried out, the demand for water from each
Village will be a voucher for the Collector
as well as for the Company, as to the amount
of irrigation to be paid for, while it is the
claim of the Village for the requisite supply
of water, and will govern the Company's Officers
in the distribution.

6 The difficulty adverted to by Mr Minchin
of so closely examining the lands under ir-
rigation as to ascertain the extent of land
irrigated, and in fact the necessity of not
extending the Company's management into
actual Contact with the Ryots, appears to
call for such an arrangement as I have proposed,
the Company carrying the distribution to the
boundary of each Village, and no further.

7. At the commencement of each season,
and from time to time during the season a
written requisition for water for a limited area
can be delivered to the Agents of the Company,
and the supply will be given accordingly. These
documents will be the vouchers of the Company's
claim for Revenue, and the Collector will check
the Village Accounts by them.

8. It may be necessary occasionally and possibly
at first it may frequently be necessary to measure the

the area under irrigation, especially if the supply
of water should appear insufficient, and in these
cases it will be necessary to examine the details
distribution, and determine whether water
runs to waste or whether the supply to the Village
is insufficient for the area of land for which
water had been applied for.

9. Regulations must certainly be established
before any form of Accounts can be agreed upon.

10 The form of Statement proposed by the Col-
lector does not distinctly show the amount of return
from each Village on 1st Crop land, and 2d Crop
land which is necessary.

11 The Accounts should be kept separate
and that for the 1st Crop might be closed when
new requisitions are made for 2d Crop water. How-
ever these are details requiring more mature
consideration and I must leave the forms of
Account in your hands to whose sphere of
duty they appear to me expressly to belong

I am &c
Signed H. B. Cotton
Chief Engineer

A True Copy.
J. McLeod
Asst. Agent

Rev: Dept.

Memo:

In the order of Gov
dated 16th January last No. 183
the Board of Revenue were
instructed to confer with
Col Ludlow and the
Collector of Burnoob, and
submit a draft of rules
(with forms of account)
for regulating the supply
of water, &c from the
works of the Irrigation
Company.

The Board, in
submitting the draft
premise that the relation

in

To the Asst Sec 393 of 12 Feb 83
To Asst Sec 103 of 19 Jan 83

Asst Sec Rev 940/64
1883
Rec'd

From Lt. Genl. A. F. C. C.
to Com. Sup. B. of R. C. C.
Rev 2638/83
Date 4-3
Rec'd 5-3 November 83.

Subject
Irrigating Bye 2
Ludlow ayabury &c
Collector of Burnoob
Printed
2 Copies

Ans No 266 of 84

in which the Government stand to the Company should first be definitely decided. They consider that the contract with the Company leaves Govt. only two modes of procedure viz, to purchase water from the Company at a price to be fixed by mutual agreement or abitration, or to abstain from all concern in the matter. If the first alternative be adopted they consider that the Company have nothing whatever to do with the ryots as regards irrigation.

"Whether this is a correct reading of the contract Deed is a legal question but it seems to me questionable for the contract provides only for the sale of water for irrigation to the Government and the resale of it at the same price by Government to the ryots and section 27 while authorising the Company to charge such rates as the Indian Legislature may define and sanction for the supply of water generally, excepts from this arrangement, water supplied for irrigation as being "otherwise provided for" in the deed. It would probably be well to have this point cleared up by the Advocate General.

I do not think this necessary at all events for the present. The Govt. I presume at least for many years to come will be prefer for., under the option given them, to buy the Company's rights and sell it to the ryots. At present, however,

and no doubt so long as the requirements of the Company are just and reasonable, the Govt propose to purchase the water and resell it to the ryots.

The rules which need special notice are the following.

Rule VI. This would be very convenient, but unless the Company's Agents acquiesce in the Collector's decision, arbitration seems inevitable under the contract.

So it seems to Dee

Rule VIII. I do not see how this can be maintained. Whatever the irrigation be, the price must be determined as the Deed provides.

Yes. The amount / charge for water supplied for dry land irrigation must be settled in the Company's favour provisionally at least — that for wet land for which a land tax and assessed crop has been — yes. wilfully have no power to fix a price upon an article belonging to the Company

Rule XI. The Board are correct in saying that the Deed does not provide for making any deduction from the price of water for expenses of collection, but Section 22 provides for this being done in another way viz by carrying to the Company's Irrigation Revenue Account "by way of debit all payments made in respect of the management of the Company and its affairs generally and specially in about and relating to the supply of water for Irrigation and the collection of the monies payable for

That seems meant to apply to cases where the Company supply water to individuals — Here they sell only to Govt. the collection from whom con. Withers

years as will warrant the required outlay; the right of the ryot even under such engagement or after application for water, do- to decline it, if it be not supplied in time for use, Vea.—

Orders requested

L. D. S.

No 1084.

Proceedings of the Madras Government
Under date the 22d June 1864.

Read the following
Letter from the Secretary to
the Board of Revenue.

Submitting Draft of Rules and forms for regulating supply of water from the Irrigation Company's works.

(Forwarded 7th April 1864 No 2061.)

In the order of Government dated 16th January last, the Board of Revenue were instructed to confer with Colonel Liddow and the Collector of Kurnool and submit a draft of rules (with forms of account) for regulating the supply of water, &c. from the works of the Irrigation Company.

The

No 1084

On the rules for the Collecting the Rates for water from the Irrigation Works

P. 22 June 64
No 1084

Copy Transmitted

2. The Government approve generally of the rules, but the following revision.

Rule VI. This would be very convenient, but unless the Company's Agent acquiesce in the Collector's decision, arbitration seems inevitable under the Contract. Doubtless, however the Co's Officer will recognise the advantage of a simpler mode of settling differences of this nature, and agree to the nomination of one or more persons in each Taluk or group of Villages to settle such matters.

Rule VIII. The Government do not see how this can be

be maintained. Whatever the irrigation be, the price must be determined as the Deed provides. It seems desirable, however, that the amount of charge for water supplied occasionally for dry land irrigation should be settled with the Company provisionally at least as that for a Punjab land has been.

Rule XII. If the Company do not supply sufficient water to bring a crop to maturity the deficiency of crop is caused by their default, and the Government think it only just that the remission which may be necessary should come out of

of the water ceases to its full extent; and if this be insufficient, then only from the Government assessment on the land.

3.— The Rules should further set forth the obligation which the Ryots on leave of declining to take water, the right of the Government to refuse to irrigate any particular village or tract, unless the Ryots engage to take water at a stipulated rate in such numbers and for such terms of years as will warrant the required outlay, the right of the Ryot even under such engagement after application for water,

water, to decline it, if it be not supplied in time for use, &c.

4.— The Board will be requested to revise the Rules in accordance with the foregoing remarks, and re-submit them after conferring on the subject with the Agent of the Company.

1st Board of Revenue Dept. Rules
2d Public Works Dept.

No 5

Revenue 1864 Sept.to
Pro: of Govt for June
No 1084.

Pro: of the Madras Govt
of 22d June 1864.

Repaired to Engd
31 October 64 No 39 - ller

Pro No. 200 - 201
16-1-64

Pro: Bd of Rev dy 24 June 64
& No 1059 in Pro.

From Commr Arni Engs
I.C.C. dy 25 July 64 enc. 198
in Pro: 8 Augt 64 No 422

From Board of Revy
8 August 64, & enc. (2 11 Sept
in Pro: 5 Octr 64 No 1830.

Rules respecting
the supply of water from
Irrigation Companys works
revised.

No 303 & 304.

Copies 31/64