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MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 376. Press Mis.

30-31

Dated 2 - 3 - 1871.

Not to be folded or roughly handled

No. 30. Read the following endorsement of the Secretary to Government, Public Works Department, dated Fort Saint George, 10th February 1871 :—

Read the following Memorandum from the Chief Engineer for Irrigation, to the Secretary to Government, Public Works Department, dated 6th February

In the papers printed in the Proceedings of Government, Revenue Department, of the 27th ultimo, No. 185 (G. O., Public Works Department, No. 14, 4th instant), reference is made by the Board of Revenue to the river-lunkahs formed by deposits, and it is mentioned that formerly all such formations were taken possession of by, and sold under the orders of, Government. The legality of this practice appears to have been questioned, and it was laid down that all such accretions were to be considered *bona fide* the property of the owner of the adjacent land.

2. The question appears to me to be of considerable importance. The soil of these river-deposits is often very rich, and there is a very strong temptation to plant for the purpose of extending the area of the lunkahs. Very frequently such extensions are highly injurious from the diversions of current which they occasion, and even natural deposits need removal sometimes to prevent erosion elsewhere. If the law be as indicated by the Board, the proper course would be, I think, to acquire a narrow margin all along such river-lunkahs, and then the Government would always be "the owner of the adjacent land," and all accretions would become the property of the State, and would be dealt with as might be expedient. Every deltaic river has a certain alignment on either side to which it should be kept; in some cases this alignment has been widely departed from, and at intervals efforts have been made to resist encroachments; but in too many cases these attempts have not been systematically arranged, and consequently the money spent has not been as beneficial as it might have been. Considerable outlay will be necessary in the future, and it is desirable that the Government should have the control over land which may be formed at the cost of the State. I propose that a margin shall always be in charge of the Public Works Officers, but that the line denoting the landward boundary shall be moved from time to time outwards, and the land thus given up should be handed over to the Revenue-officers for disposal. Ultimately, when the regimé of any particular river has been established, all the lunkahs, with the exception of the margin necessary for their preservation up to the permanent line, will be available for cultivation.

3. The decision of Government that tank-beds shall not be cultivated, unless they and the lands under the tanks have been permanently brought under the command of a channel is one which will, I trust, always be enforced. Every endeavour should be made to supersede shallow tanks by river-channels when the supply carried by the latter is sufficiently constant; but the interests of owners of land under tanks, which are still required for irrigation, must almost always suffer seriously when the beds are allowed to be cultivated.

(Signed) J. MULLINS, Major, R.E.,
Chief Engineer for Irrigation.

Proceedings of the Madras Government, Revenue Department, 2nd March 1871.

TRANSFERRED to the Revenue Department, with reference to the orders in that department, dated 27th January 1871, No. 185.

FORT SAINT GEORGE,
6th February 1871.

(Signed) CHARLES A. ORR, Colonel, R.E.,
Secretary to Government, P.W.D.

No. 370.

Irrigation, No. 1.

THE law relating to river formations has been repeatedly laid down by the Judicial Committee of the Privy Council, and one of the most recent judgments is printed at page 136 of Vol. XII., Part I. of Moore's Indian Appeals.

2. The Government understand the law to be that an accretion to the bank is the property of the owner of the land to which it adheres, and that new insulated formations in mid-stream are in non-navigable rivers the property of the owner of the nearest bank of the stream, and in navigable rivers are the property of the Crown to which in such cases the bed of the stream is assumed to belong. Accretion to old island formations, of course, follow the rule as to accretions to the river-bank.

3. The Government have no intention of relaxing the prohibition against the cultivation of the beds of tanks, except in cases when the tank is no longer required as a reservoir, by reason of its being superseded by a permanent supply from a river-channel.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Public Works Department.
" the Board of Revenue.
" the Chief Engineer for Irrigation.

No. 29

Memorandum

In the papers printed in the Proceedings of Government, Revenue Department, of the 27th Ultimo No. 185 (Gen. & Rev. Dept. No. 11 - 4th Instant) reference is made by the Board of Revenue to the River Junkahs formed by deposits, and it is mentioned that formerly all such formations were taken possession of by, and sold under the orders of Government. The legality of this practice appears to have been questioned, and it was laid down that all such accretions were to be considered bonafide the property of the owner of the adjacent land.

2. The question appears to me to be of considerable importance. The soil of these River deposits is often very rich and there is a very strong temptation to plant for the purpose of extending the area of the Junkahs. Very frequently such extensions are highly injurious from the diversions of current, which they

they occasion, and even natural deposits need re-
-moval sometimes to prevent erosion elsewhere. If
the law be as indicated by the Board, the proper
Course would be, I think, to acquire a narrow margin
all along such River bunkahs and then the Government
would always be "the owner of the adjacent land," and
all accretions would become the property of the State
and would be dealt with as might be expedient.
Every deltaic River has a certain alignment on either
side to which it should be kept: in some cases this
alignment has been widely departed, and at intervals
efforts have been made to resist encroachments, but
in too many cases these attempts have not been systema-
-tically arranged, & consequently the money spent
has not been as beneficial as it might have been.
Considerable outlay will be necessary in the future,
and it is desirable that the Government should have
the control over land which may be formed at
the cost of the State. I propose that a Margin
shall always be in charge of the Public Works

officers

officers, but that the line denoting the landward
boundary shall be moved from time to time
outwards, and the land thus given up should
be handed over to the Revenue officers for
disposal. Ultimately, when the regime of
any particular River has been established,
all the bunkahs, with the exception of the
margin necessary for their preservation up
to the permanent line will be available for
cultivation.

3. The decision of Government that
Tank beds shall not be cultivated, unless
they and the lands under the tanks have been
permanently brought under the command of a
channel is one which will, I trust, always be
enforced. Every endeavour should be made to
supersede shallow tanks by River Channels when
the supply carried by the latter is sufficient &
constant

constant, but the interests of owners of land
under tanks, which are still required for irrigation,
must almost always suffer severely when the lands
are allowed to be cultivated.

Fort St. George
6th February 1833

I have the honor to be
Sir
Your most obedient Humble Servant
Chief Engineer for Irrigation

To
The Secretary to Government
&c. &c. &c.

Mis No 14 - 4th July 71. Rec'd 11 1871 Dept
Rlg. 27 January 71 No 382/84. From Fy. No 456 dated 6th Feby

The Chief Engineer
for Irrigation

Transferred to the Revenue Depts with reference to the orders in that Depts dated 27th January 1871. vide No 185.

To The Secretary to Govt P.W.D.

Dated 6th
Despd & Recd 11th February 1871
No. 29
See No 376. 2nd March
On the subject of newly formed dunkahs or accretions to river banks.

Transferred

Revenue Dispatch.

No. 376.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 2nd March 1871.

Read the following Memorandum from the Chief Engineer for Irrigation &c. &c. &c.

No. 185. dated 6th Feby: 1871, No 29.

On the subject of newly formed dunkahs or accretions to river banks.

The law relating to river formations has been repeatedly laid down by the Judicial Committee of the Privy Council, and one of the most recent judgments is printed at page [illegible] Vol. XII [illegible] of Moore's Indian Appeals.

2. The Govt understand

aw to be that an
accretion to the bank is the
property of the owner of the
land to which it adheres,
and that new-insulated
formations in mid stream
are in non-navigable rivers
the property of the owner
of the nearest bank of
the stream, and in navi-
gable rivers are the property
of the Crown to which in
such cases the bed of the
stream is assumed to
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14 Bd of Rev
1 Chief Engr for Irrigation

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