Proceedings of the Madras Government, Revenue Department, 13th September 1873.

No. 104. Read the following Proceedings of the Board of Revenue, dated 2nd July 1873, No. 1,157:—

Read the following letter from T. A. N. CHASE, Esq., Collector of Kurnool, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 3rd March 1873, No. 73:—

WITH reference to Board's Proceedings dated 14th January 1873, No. 43, I have the honour to enclose copy of my letter dated 30th May 1872, No. 492, to the Acting Chief Engineer for Irrigation, expressing my views on the question of remunerating the Company for water supplied to Government tanks.

2. The simplest and fairest course appears to me to pay the Company at the rate of 1 Rupee a-month per acre for water supplied from the canal. Mr. Latham apparently makes the same proposal in paragraph 11 of his letter embodied in Board's Proceedings under reply; but I do not agree with him when he says immediately after that "any crop sown after the filling should pay 4 Rupees per acre, subject to remission, all quite independent of subsequent rain, and terminating only with the season." I cannot understand why any difference should be made between crops sown before and crops sown after the "filling," nor can I see the justice of paying the Company in the latter case the full water-rate of 4 Rupees the acre, even, it may be, if the Company happen to give only a day's supply of water.

3 I settled the remuneration in the case of the Kanala tank on precisely the same principle, only taking care that the charge did not fall below 1 Rupee an acre. The then Acting Chief Engineer for the Company, Mr. Browning, quite agreed* with the settlement, and I should really say that the Company have been very liberally paid for the eight days' water they supplied, considering that for a full six-month crop they get not more than 6 Rupees. Mr. Latham, however, tries to show that, by the timely supply received from the canal, the Government saved 11,000 Rupees under the tank, and the ryots ten times as much, or 1,10,000 Rupees. I am not sure where Mr. Latham got his figures from, but they remind me of a statement made by him in England, founded on an extract from one of the Conservancy Engineers' reports, that in a village in the Cuddapah District paddy-straw, produced on one acre of land, sold for no less than 100 Rupees. The Board are aware that, except in the case of special products, such as sugar-cane, betel, etc., the assessment on the land (including water-rate) is generally taken to represent the net profit to the cultivator, and if he occasionally gets more, it is in the saving effected by his own manual labour; so that if due allowance be made for bad season and failure of crop, etc., I fear it would be found that Mr. Latham's lakh-and-ten-thousand vanish altogether.

* *Vide* his letter dated 12th December 1871, No. 24.

ENCLOSURE No. 1.

From T. A. N. CHASE, Esq., Collector of Kurnool, to Colonel J. MULLINS, R.E., Acting Chief Engineer for Irrigation and Joint Secretary to Government, Fort St. George, dated 30th May 1872, No. 492.

I HAVE the honour to reply to your letter No. 193, dated 3rd November 1871, desiring my opinion regarding the proportion of water-rate to be charged when lands dependent upon Government sources of supply are irrigated from the Company's canal.

2. The question was mooted by Mr. Latham in 1871. He proposed charging by the volume, but I objected to it on the ground that the measure was unintelligible to the ryots and difficult to work in practice. Copy of my reply dated 20th June 1871, No. 469, is herewith forwarded for your information.

3. The flooding charge, recommended in paragraph 4 of your letter, seems also open to objection, because it is disproportionately high compared with the full water-rate chargeable either on a first crop or a second.

4. The simplest plan appears to me for the Company to charge by the month, taking six months as the maximum period of a wet crop, and 6 Rupees as the water-rate per acre. Government, on the other hand, will limit its demand to the quantity of water it supplied, and remit the remainder, so that the combined charges payable to the Company and Government may not exceed at the outside 6 Rupees, the rate now levied under the canal.

5. In the case of Inams, however, which have been charged with a quit-rent calculated on the wet assessment, I do not see how any remission can be granted, as it has never been the practice hitherto to exempt payment of quit-rent, even when the Inams had to be left waste, or the crops on them abandoned from deficient supply of water. The only course, therefore, left is to impose the extra charge in addition to the usual quit-rent paid to Government.

In this district there are some inferior kinds of paddy grown, which do not require irrigation for more than four or five months in the year; and I understand it is the intention of the Company's officers to restrict the charge of 6 Rupees to a period of four months, and thus make 1½ Rupees as the charge for the month, and add this sum for every extra month that water is taken. This I consider to be incorrect in principle and opposed to all our Revenue-systems under which six months is taken as the maximum period of a wet-crop paddy.

6. Now, as regards determining the quantity of water supplied in each case, this can be done without difficulty from the accounts kept by the Curnam and from local inquiry. The Nirkatta or water-distributor and the cultivating ryots easily understand how many days' water a tank has received, and the information is duly recorded in the accounts kept for the purpose. This can, with advantage, be checked by inquiry as to the date of sowing, the age, and condition of the crops at the time canal-water was applied for, the date of harvest, and so forth, and a tolerably correct estimate formed of the amount of supply received in each case, which would answer all practical purposes. If, however, greater accuracy were required, a careful survey may be made, once for all, of all the tanks commanded by the canal, and their capacities determined with reference to the average area irrigable under them. The different depths at which each month's supply may be marked can then be easily ascertained and denoted on a wooden plank, which might be fixed near the lowest sluice to serve as a guide in apportioning the supply between the Government and the Company.

7. Adverting to paragraph 6 of your letter, I beg to submit a statement showing the names and ayacut of the tanks situated under the influence of the Company's canal. They are thirteen in number, viz., ten in Nandial, two in Nandikotkur, and one in Sirwell, irrigating an aggregate area of acres 2,122-54. With the exception of the large and small tanks in Nandial and the tank at Kamala, the remaining (ten) tanks are dependent for their supply upon local drainage which is often precarious. But I do not consider it necessary or expedient on that ground to abandon them to the Company in perpetuity. This would involve a needless sacrifice of revenue, which cannot be made good by any amount of cultivation in the beds, and I am not sure whether the ryots themselves would acquiesce in an arrangement which would lead to a permanent addition of 50 per cent. to the existing water-rate. I doubt, too, whether the measure can fairly be carried into effect in the face of the pledge given to them that the existing assessment will not be altered for a term of thirty years, from the date of introduction of the new settlement.

8. I wish to notice another point which arose during the recent settlement of water-rate with the Irrigation Company. It is the case of natural streams whose supply has been improved by the surplus water flowing into it from the Company's canal. In many instances, this excess water is never intended to be utilized, but is allowed to run waste, and the question arises whether the Company is entitled to any, and what share of the water-rate imposed on lands cultivated

under the stream, either by flow or by lift. It must often be difficult, if not impossible, to determine to what extent the natural supply in the stream is benefited by the excess water from the canal; but I think it may be laid down, as a general rule, that all new cultivation made since the canal came into existence may be charged to the Company, unless it can be satisfactorily shown that the increased cultivation was due to causes other than increased supply from the canal; such, for instance, as the stimulus given to a general extension of wet cultivation by the influence of the canal. The above rule should apply only to petty nullahs and streams, and not to such sources of supply as are perennial, to which the Company cannot have any right whatever, however much may be the amount of water let into them to suit their own convenience.

(True Copy.)

(Signed) T. A. N. CHASE.
Collector.

SUBMITTED to Government, with reference to their endorsement on a Note by the Acting Chief Engineer for Irrigation, dated the 25th November 1872, No. 55.

2. The first question is, what are the Irrigation Company to be paid when they supply water to Government tanks?

3. In their order of the 18th October 1872, No. 2,452, Government decided that the amount would have to be paid by the State, "as no demand can be made on the ryots in excess of the amount at which the land has been assessed," and that the amount must depend on the area benefited, and not exceed Rupees 6 an acre. They suggested that the area being known, the payment per acre should bear the same ratio to Rupees 6 as the time during which water is supplied does to the whole time from sowing to harvesting.

4. In his letter of the 1st November 1872 to the Company's Manager, the Company's Chief Engineer states objections to this suggestion. He considers that the Company is entitled to a fair proportion of the value of the crops saved, but would apparently be satisfied if Rupees 6 an acre is paid in full when the Company have to supplement a Government tank. If Government will covenant with the Company to get their tanks supplemented whenever the supply is insufficient, he will be satisfied with Rupee 1 a-month per acre, from the date of filling the tank to the date of cutting the crop, for standing crops, and to Rs. 4 an acre, "subject to remission," for crops sown after the tank is filled by the Company.

5. These demands have been shown to be far too high by Major Oakes and Mr. Chase.

6. Mr. Chase supports the suggestion made by Government and noticed in paragraph 3.

7. It seems to the Board quite clear that the Company cannot fairly charge more than the ordinary price for the volume of water actually supplied. This may be roughly estimated in the manner proposed by Government, and the Collector by noting the area supplied with water and the time during which it is supplied; but the Board think the simplest way will be to pay the usual price, which is estimated by Major Oakes to be Rupee 1 for 1,440 cubic yards for the volume of water thrown into the tank. In the letter recorded in G. O. dated 18th October 1872, No. 2,452, the Collector says that the Company's Chief Engineer proposed to charge by the volume in 1871, but that he objected on the ground that the measure was unintelligible to the ryots and difficult to work in practice.

The first of these objections is removed by the decision of Government that the payment is to be made by them, not by the ryots. The way in which the second can be met by surveying the thirteen tanks concerned is stated in paragraph 7 of the same letter.

8. The Board accordingly think that the tanks should be surveyed and their capacity, when the water stands at various heights, recorded, and that, when water is thrown into the tank by the Company, they should be paid for it at the rate of Rupee 1 per 1,440 cubic yards, subject to the condition that the total payment shall not exceed the total revenue under the tank, which, of course, is the maximum loss to Government, if the crops fail entirely.

9. There is one great difficulty which is noticed by Mr. Chase. Acres 891 under the tanks are Inam, paying a quit-rent of Rupees 2,964. These must benefit equally with the Government land (1,232 acres, assessed at Rupees 10,332) when the tank is supplied by the Company. Should the cultivators be made to pay for it, Mr. Chase thinks an extra charge should be imposed with the quit-rent; but the Board do not see how the Inamdars could be forced to pay it. The charge would be just, but the levy is impracticable, and the Board think it should be surrendered.

10. The next question referred to the Board is the payment for water supplied to ponds or tanks not used for irrigation. The Company's Chief Engineer thinks the charge should be Rupees 6 an acre of surface, and this he considers nearly equivalent to Rupee 1 for 400 cubic yards for a single filling. Major Oakes suggests that 720 cubic yards should be supplied for a rupee. The Board think that the charge should be by volume.

11. The amount fixed by Major Oakes seems fair, but this might be left to private arrangement between the villagers and the Company. Government are not directly concerned, and the transaction is not with ryots as such.

12. The third question is what share the Company should have in the water-rate paid by land under natural streams improved by surplus canal-water. Mr. Chase thinks that they should get nothing under perennial streams, but that under petty nullahs and streams they should get the rate on all land newly cultivated since the canal came into existence, (unless it can be proved that it is due to other causes than the additional supply of water). This the Company's Chief Engineer considers very fair, but he does not understand why perennial streams are placed in a separate category. Major Oakes thinks that extension of cultivation should not be encouraged under such streams, because the canal-supply is precarious, and will diminish as the distribution of the canal-water becomes more perfect. However true this may be, the Board think that, when extension of cultivation does take place (and they do not see how it can be prevented so long as there is water enough), the principle laid down by Mr. Chase should be adhered to.

No. 105. ORDER THEREON, 13th September 1873, No. 984.

Irrigation, No. 2.

THE main points calling for the decision of Government are three in number—

1*stly*,—How is the Irrigation Company to be paid for water supplied to Government tanks;

2*ndly*,—How for water supplied to non-irrigation tanks; and,

3*rdly*,—Is the Company entitled to payment when cultivation is undertaken under natural streams augmented by surplus canal-water.

2. On the first point, the Government agree with the Board that the water supplied should be paid for by volume. They see reason to consider Major Oakes's proposed rate somewhat unfavourable to the Company, and would substitute for it the rate of 1 Rupee per 1,000 cubic yards. Detailed surveys of the tanks do not seem called for, as the water may be gauged at the canal-sluices whence the tanks are supplied. It must be distinctly understood that the Company are not to supply water until required to do so by the Collector, whose decision as to the quantity required and times of supply must also be accepted as final. The Collector will have to take precautions to prevent waste, and must regulate his requisitions not by the capabilities of the tanks, but by the ample necessities of the actual cultivation.

3. On the second point, the Government would remark that the maximum charge for water supplied for other than irrigation purposes has already been fixed at 1 Rupee per 400 cubic yards, and that further than this they see no cause for their interference. The amount taken should be gauged as in the former case. The Company's officers must negotiate with the parties concerned.

4 As to the third point, the Government desire to have further information as to the precise nature of the cases in which it is proposed to allow the Company to charge a water-rate. They are not at present prepared to sanction any departure from the rule laid down in the Standing Order of the Board of Revenue, No. 126, under which no charge is made upon the ryot for irrigation obtained from natural pools or jungle-streams. The Board of Revenue will accordingly be requested to take the matter into their careful consideration, and, after communication with the Collector, to submit their matured views on the question.

* Paragraph 9.

5. The Government are pleased to grant to the holders of Inam lands the indulgence advocated* by the Board.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

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

Exd. F. R. Bantleman.

Nems for orders re No 2059.

Pro: Board of Revenue

Charge for water supplied to Govt Tanks, &c. in Kurnool Dt. by Irrigation & Canal Company.

Shield
Muller
Ct Devr.
Collr Kurnool
Brew
Govt Dl. Dept.

2 July 1873. No 1157

The points raised in this paper for the decision of Govt are three

(a) the sum to be paid to the Irrigation Company when they supplement, in a bad season, the water supply of a Govt tank

(b) the sum to be paid to the Company for filling tanks or ponds not used for irrigation

(c) whether the Company are to receive any payment when the cultivation under natural streams is increased owing to their flow being augmented by the overflow & surplus Canal water.

It seems clear that

The only fair mode with to the Corp & the Company of arriving at the proper payment in the first case, is to measure the Quantity supplied and pay for it by volume. It will then be for the Officers of Corp to see that no more water is ever taken than is really needed. If they do so, the proposed condition of the Board that the payment by the Ly should mean exclude the revenue under the Tank will hardly be necessary.

As to the second point it is also intended that the Bd's suggestion may be adopted, and the people be left to make

The Co. into is 6 Rs per acre - but I find to require to receive so many thousand cubic feet. He should buy accordingly - when necessary & to the extent required. The Co. must not be free to fill the Tanks at their own discretion.

J.D.S.

Yes. As the Municipality of Kurnool

Do - J.D.S.

I do not think we have any thing to do with the Surplus Water - Let the Co. carry off as usual on their Canal Can or drop it as they may if they please. It will be impossible for us to decide what their Surplus water may do or not do

J.D.S

Their own arrangements with the company for the supply of drinking tanks. If they charge too heavily the people will not take the water.

As to the third point it seems questionable whether the Company are really entitled to make any charge, for it is to be presumed that it is for the Company's convenience that the surplus water is carried off by these natural streams. Still in cases in which an extension of cultivation is clearly owing to local water, it would be fair to allow them a water rate on such extension

J.D.S.

Memorandum

Water supplied from the Company's Canal to Government Tanks may very well, I think, be paid for by volume. The quantity thus drawn what quantity should be given for 1 Rupee. Major Oakes supposed 16440 Cubic Yards, but this appears to me to be too much. No crop requires a full supply during the whole of the 6 months usually reckoned as the season for the superior kinds of rice. The experiments that have been made to determine the quantity of water required for rice cultivation show that 105 to 110 days are about the time required, and if 120 days be taken as the time for a full supply, and if 50 Cubic Yards per acre per day be allowed instead of 48 C.Y. the quantity at 2 Cubic Yards per acre per hour, 6000 Cubic Yards will be the total supply for an acre, and 1 Rupee for a thousand C.Y.

would be the price to be paid.
If the Company will agree to this
rate, I would recommend its
adoption. The water can be
measured with sufficient accuracy
at the sluices in the Canal, which
may be used to supply the Tanks.
I should think that it would be
worthwhile to make the detailed
surveys of the Tanks, which would
be necessary to measure the quantity
received by them, for this purpose
only.

2. With regard to the supply of
ponds not used for irrigation,
the Company are at liberty to
charge any rate within that
allowed by law for water supplies
for purposes other than for irrigation,
and that would be anything
not exceeding 1 Rupee for 400
Cubic yards - I dare say the
Company would be willing to

Yes Sd
JK

Could it be
done roughly
just as a
general check
I suggest it
necessary
JK

afford a supply at a cheaper rate. The measurement might in this case also be made at the sluices in the main Canal.

3. It will be difficult, I think, to ignore the Company's claim to water rate on lands irrigated by Canal water which may be supplied into any of the natural lines of drainage of the Country. There is, so far as I am aware, very little direct irrigation from streams or nullahs below the line of the main Canal; and I should say there are no reliable sources of irrigation of this kind. The natural drainages are sometimes used for conveying irrigation water. Some of the supply works have irrigation channels connected with them;

and it will be better, I think,
that the ryots should under-
stand that irrigation with
Canal water will have to be
paid for, and that it is to
their interest, if they wish to
irrigate, to make a regular
application and thus become
entitled to have a constant
and sufficient supply afforded
to their lands. I do not see
how disputes can be avoided,
if the ryots be in any way
deemed to be entitled to help
themselves from what may
be supposed to be water running
to waste. Were this allowed,
the Company might pay water
to waste down these drainages
until perhaps a considerable
area of land by cultivation

had reached a critical period,
and then the crop might be
entirely destroyed by stabbing the
bubbly.

Yours truly
Robt Nᶜ
Chief Engineer for I.

14 August 1873

I agree with Mr Sims that the Esquimalt requires further consideration - and would alter the draft and either remand for further report or let it lie over as a matter not pressing for solution

The simple fact is that the Company with both New Westminster waste waters, and the leakage through fields and soil - whose irrigation has already been paid for - into the natural streams and

This fully expresses my views - I do not admit the Corporation's claim to water power

I do

In order, as regards the 3rd. point in question, is evidently too vague: and as to room for discussion.

Not as it is a question which might

and drainage hollows of the Country, and treat them as tributaries and sources of income in the event of their being used for irrigation however slightly improved. Why not follow their percolation into the wells as is done by Government, I regret to say, under some of the (Kirwan Jaste) water rate rules? This claim is a very serious question and unless carefully handled - may give rise to much complication.

If we admit the principle that the Company may follow their water into such places and claim profits from its use, it follows, I think, that the Directors' and Board's distinction as to

I suppose We decided Yes: and I think, with Robertson, we ought to keep from the Act as the particular or Defer of cases cases in which the Company claims payment from Ld. Mullins' tenants. I feel differ that it is not difficult to define a class of cases in which the additional cultivation is clearly due to 'percolating' water belonging to the Company; flowing down the natural drainage of the country (Where in fact dry beds of streams), and to nothing else. In these, if desirable & feasible, I think the tenants fair that the right should pay. But if there are perennial natural streams on which fair crops are irrigated in such cases I do not think the right to pay

to perennial streams and ordinary rivulets must from Ephemeral. If we concede the right to follow the water after it has passed out of the power and Control of the Company into the ordinary rivulets and natural Streams, I cannot see how we can deny in the one case what we concede in the other. If either or both the rearing water, that use was the Company's and that water be used, a claim - if we concede the principle - to take a profit arises, which we cannot - I fear - combat.

The argument against the Government will, I think be very strong in the case of the perennial Streams. We reserve the

the power of charging
a water rate (tirvajasti)
on irrigation from such
streams on the plea
that they are Sonemunut
sources. If we cannot
deny — and that more
difficult to disprove —
that some water, which
was used in the Company's
Channels, has got into
this Sonemunut source
and improved it however
slightly, we cannot, I
think, refuse — the
principle being conceded —
that the Company
participate in the
water-rate (tirvajasti).
But not only so, the Company
has a right to 6 Rs. an acre
for irrigation and may
claim — if not the full
water-rate raised
to

after Company on the
ground that such
streams are swelled
after surplus water
of the Company. It will
(perhaps) be open to
us hereafter to apportion
the payment.

I would alter the draft even
as it is in the first
two paras: and, in the
3rd
[illegible] substitute the following
in lieu of the first of the
two, and with a new
[illegible] consideration

Yr

Apl 8/20

13

that Standard (a
heavy enhancement
of taxation) — at least
because a proportion
on the basis of 6 Rs. an
acre — clearly here
is an ingredient of
difficulty unprovided
by the order.

Then as regards
the natural nullahs,
which may possibly
come under the influence
of the Company's leakage
or drainage, the
Company is to be let
loose on them (as the
draft now stands) and
shut them up entirely
save under their permission.
The draft is silent as to
who is to settle differences
decide rates &c. &c. but
for part of the year —
these

these nullahs have
water independent of
the Company's Channels
– and the people have
a right to the use of
every drop of natural
water – though perhaps
not to the Company's
drainage into these
nullahs. Is the legal
use of the natural
streams to be interdicted
in the interest of the
portion drainage?
And from what time?
And are the natural
nullahs to be made
over to the Company
to be by them considered
as their own to the exclusion
of public Easements
and of the Government
as respects their share
of a water rate (Tirwajoli)
raised on a natural
source

source irrigation?

Again as regards
both classes of drainage
streams – irrigation
from such streams
is usually by lift.
But the draft is silent
as to what provision
is to be made in respect
to a condition which
is recognized in the
matter of Government
irrigation from those
very sources.

On the whole I am
satisfied that this
large, intricate, and
new matter cannot
be disposed of as
proposed in the Draft.
Happily it is probably
not of pressing urgency,
for direct irrigation

is

is still working itself
but slowly into shape
and this legendary
irrigation will brook
delay till far fuller
information and
materials are before
Government

I would pass the
draft as respects the
1st two points only, but
require careful re=
=consideration of the
question of irrigation=
-from-drainage. I
think we should avoid
for the present any
general order on the
point and should desire
the Master to investigate
& submit for the
consideration of
Government through
the Board any special
cases

15

cases of claims by the
Irrigation Company
to derive revenue from
irrigation carried on
from Nullahs & streams
into which it may be
alleged, surplus water
from the Company's
channels is discharged
The Consideration and
decision of a few practical
cases will bring out
a sounder principle
in regard to this intricate
matter far more safely
than these hypothetical
discussions we have
before us

2/91

Revenue Department.

No. 964.

Proceedings of the Madras Government.

Read the following Proceedings of the Board of Revenue

Submitting with remarks, from the Collector of Kurnool, a charge for water supplied to Govt. tanks &c. by the Irrigation and Canal Company } A.R. 2nd July 1873 No. 1157.

The main points calling for the decision of Govt are three in number.

(1) 1st. How is the Irrigation Company to be paid for water supplied to Govt. tanks, and

(2) 2nd. How, for water supplied to non-irrigation tanks.

(3) 3rd. Is the Company entitled to payment when cultivation is undertaken under natural streams augmented by surplus Canal water.

L. & S.

12/9

2. On the first point the Govt agree with the Board that the water supplied should be paid for by volume They see reason to consider Major Oakes' proposed rate somewhat unfavorable to the Company and would substitute for it the rate of 1 Rupee per 1000 Cubic yards. Detailed surveys of the tanks do not seem called for as the water may be gauged at the sluices whence the tanks are supplied. It must be distinctly understood that the Company are not to supply water until solicited by the Collector whose decision as to the quantity required must also be accepted as final. The Collector will have to take precautions to prevent waste and must regulate his requisitions not

not by the capabilities of the tanks but by the simple necessities of the actual cultivation.

3. On the second point the Govt would remark that the maximum charge for water supplied for other than Irrigation purposes has already been fixed at 1 Rupee per 400 Cubic yards and that further than this they see no cause for their interference. The amount taken should be gauged as in the former case.

4. As to the third point they resolve to direct that where it is decreed to extend cultivation by means of water of which any portion is derived from the Company's Canal or any of its channels such cultivation shall not

not be undertaken until application for permission to use the water has been made to the Company's Agent in accordance with the rules

5. The Govt are pleased to grant to the holders of shamlands the indulgence* advocated by the Board.

4 As to the third point the Govt desire to have further information as to the precise nature of the cases in which it is proposed to allow the Company to charge a water rate. They are not, at present, prepared to sanction any departure from the rule laid down in the Standing Order of the Bd of Revenue, No 126, under which no charge is made upon the ryot for irrigation from natural pools or jungle streams. The

*(para 5.)

xxx

Bd of Rev will accordingly be requested to take the matter into its careful consideration and after com: with the Coll: to submit their matured views on the question