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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Rev. DEPARTMENT

G.O. No. / B.P. No.	140		Press / Mis.
Dated	22	May	1873 ~~1961~~

Not to be folded or roughly handled

No. 508. Read the following Endorsement of Lieutenant-Colonel J. MULLINS, R. E., Chief Engineer for Irrigation, dated Fort St. George, 21st March 1873, No. 91:—

From J. H. LATHAM, Esq., Chief Engineer of the Madras Irrigation and Canal Company, to Lieutenant-Colonel J. MULLINS, R. E., Chief Engineer for Irrigation, dated Kurnool, 8th March 1873, No. 10.

Rules for "Settlement" of 1872-73.

I HAVE the honour to mention that I find from a letter No. 234 of yesterday, from the Acting Collector of Kurnool that a discussion is going on between the Local Revenue Officers and the Revenue Board in Madras on the subject of what orders of Government and what rules, agreed on by the Madras Government and the Board, shall be "postponed" during the preparation of the bill of claims of the Company on the Government for the season just expired. I enclose a copy of Mr. Turner's letter. The documents referred to by him* are not in my office, and have, I presume, not been put into the hands of the Company's Officers.

* G. O. No. 154 of 7th February 1873. Proceedings, Revenue Board, No. 7,738 of 18th October 1869.

2. I infer from this that the working of the rules, themselves practicable and fair, is considered to have broken down. In one particular they have, *i. e.*, where phrases such as "the Company shall not supply water" except on certain conditions are used. When the Company have filled the canal and, in the absence of applications made, channels to supply distant villagers who profess a desire for the water, the result is many miles of petty channels through which water runs to perhaps thirty-five villages under one Overseer; and it is impossible for the Company *vi et armis*, and without the aid of any penalties, to prevent water being taken from their channels. The Overseer is not an officer to be allowed discrimination, and the Company have not allowed him to interfere with the water-supply. This was in conformity with the expressed request of the Collector.*

* Extract from No. 556 of 19th July 1869, is enclosed.

3. Accepting the fact that the rules by which the current settlement is to be made are still unfixed, or their meaning under discussion, I write to request you to inform me clearly, at the earliest convenient moment, by what rules the Madras Government desire the pending settlement to be guided. Until I am informed, I propose to postpone the settlement, since it cannot be satisfactorily completed so long as no two people agree as to the rules which must guide it.

4. I understand the rules to be as follows:—

(*a.*) Sugar-cane to pay Rupees 12 per crop.

(*b.*) Rice to pay Rupees 6 per crop.

(*c.*) Ordinary irrigation of any crop, the same as rice.

(*d.*) Ordinary irrigation of fruit trees, or other perennial crop, there is no rate for this; but, as a temporary measure, Rupees 6 up to 31st December, and 1 Rupee a month thereafter, is the least objectionable rate.

(*e.*) Government have arranged that if the Company irrigate a crop coming under rules (*a*), (*b*), or (*c*) during *part* of its time of growth, then the rate to be paid per crop matured shall bear to Rupees 6 the rates that

that part bears to the whole time of growth.

(*f.*) For each flooding, dry crops only, Rupee 1.

(*g.*) If a crop be irrigated by a ryot without previous application having been made to the Company, then the ryot has to pay double rate.

(*h.*) Except where part of a field is above the requisite level, water should be supplied only to an entire field.

As to the two last, I believe that the Revenue Board,* when discussing some proposed water tickets, declined to lower the penalty for irrigating without a ticket to one and a half times the water-rate; and that Government† ordered that the rules as to payment for water surreptitiously obtained should be strictly enforced. This I consider necessary under the difficult system of applications at present in action. In the last quoted G. O., it is ordered that parts of fields shall not be irrigated. On this subject I will remark that the Revenue Survey Department have, at great expense, perfected a remarkably accurate system of village maps and registers, showing the position and area of every field including interstitial fields. As Mr. Cardoza has pointed out, it is as easy for a ryot to apply to have his field divided if too large, and for the curnam and higher officers to divide it as it is to apply for water. It merely needs a row of stones putting across in a straight line where the ryot wishes a permanent division made; and that a Revenue Inspector, or the curnam, measure and report the distances of the ends of this line from the nearest corners. The area can then be found in the Survey Office and entered in the register.

* Proceedings, No. 6,897 of 26th September 1866, *et. seq.*

† G. O. No. 662 of 15th March 1866.

5. The very existence of a revenue to the Company in a famine year may be said to depend on the enforcement, by an adequate fine, of an application *previous* to the use of water. This is shown by the loss of all revenue by the Orissa works in 1870. While the canal was partly open including the season 1871-72, this enforcement was relaxed; for it was obvious that applications could not be expected in April (as the rules provide), while the opening of the canal in June or July was doubtful or seemed impossible. The result, as affecting the conduct of the Revenue Officers, has been disastrous. The Orissa practice has been repeated on a smaller scale as regards total area irrigated; on a large scale as regards the area of country containing the irrigated spots. In the Kurnool District, no application for a single acre of irrigation reached no before the 27th August; too late for the Overseers to supply the water in time for the latest proper sowing time. In the lower sections Mr. Dodson reports* that 176·09 acres for which he received applications too late could have been supplied with water had they not been sown with dry crop. The Company's revenue has suffered more than the full payment of double rates by Government can repay. Instead of the conditions having been explained to the ryots, and applications urged, and offices appointed for their receipt, the following was the fact. Up to the time at which preliminary application lists are closed by the rules (1st April) no publication had been made of the conditions of supply. Even the curnams were not informed of those conditions except by hearsay; no office existed in a village for taking applications, but these had to be made through the curnam, and through him only, though his duties at

* No. 67 of 26th ultimo.

that time require his frequent presence at the Taluq or District Courts with Police, Survey, or Revenue Officials, and his absence for a month at a time to settle his yearly accounts at the taluq town. During his absence no one can tell the ryot even the number of his field, except by mere chance. *No step has yet been taken to remedy this.*

6. At the end of the season the result is a vast number of irregular patches of irrigation, having the area and rate undetermined; and the Company's revenue is entirely dependent on the evidence of overseers, surveyors, and even bankers, against that of ryots and curnams. There is no security except for any patch an Engineer himself measures, and no penalty if he find it entered wrong. It is as if a Railway Company left the fare to be collected at the end of a journey by the Resident Engineer and Collector on the evidence of the guard, porters, and passengers, without any tickets or other register of the commencement and class of the journey.

7. The question seems to me to be one distinctly between the Government and the Company, and the decision of it does not necessarily affect the ryot.

8. In your reply I beg you to inform me, with the necessary definiteness, what crops are those called *dry* to which flooding is allowable.

From E. TURNER, Esq., Acting Head Assistant Collector in charge, Kurnool, to J. H. LATHAM, Esq., Chief Engineer of the Madras Irrigation and Canal Company, dated Kurnool, 7th March 1873, No. 234.

In reply to your letter No. 10, dated 5th March 1873, I have the honour to inform you that the full area of each field can be easily ascertained from the curnam's revenue accounts; but I find that Mr. Chase has recommended to the Board to postpone till next year the carrying out of the Order of Government, dated 7th February 1873, No. 154, regarding the charge of all cultivation falling below one acre.

2. As regards surreptitious irrigation, I am of opinion that each case must be disposed of, after due inquiry, at the time of settlement. I do not think that the mere omission to apply for water beforehand would of itself justify the charge of double the usual water-rate—*vide* paragraph 6 of Board's Proceedings, dated 18th October 1869, No. 7,739, and I would suggest that thorough inquiry be made on the spot, into this and other matters, by the Company's Water Superintendent and the Revenue Inspector conjointly. Where you may think it necessary, I shall be glad to depute the Tahsildar of the taluq, on hearing from you on the subject. Such an arrangement will greatly facilitate the work of our settlemen.

Extract of a letter No. 556, dated 19th July 1869, from the Collector of Kurnool, to the Chief Engineer of the Madras Irrigation and Canal Company.

I REQUEST you to issue directions to all the employés in the Company not to interfere in any way with Revenue matters with which they have no business, and regarding which the Government have repeatedly ruled that the administration of the revenue must be carried out by the legal Revenue Officers.

2. All questions regarding such matters will receive due consideration whenever they are officially brought to my notice.

(True Extract.)

N. B.—This refers, primarily, to one of the numerous hoaxes. One Bolaram, signing himself "Irrigation Writer," wrote to the curnam of Kullin laying down some rules on no alleged authority, and Mr. Orme said without any instruction. His *status* was derived solely by his hanging about Mr. Orme's office for a few days as a proposed volunteer; he had no other connection with, and no appointment under, the Company.

(Signed) J. H. LATHAM,
Chief Engineer, M. I. & C. Co.

Statement showing the Date of Applications for Canal Water received from the Collector of Kurnool and Cuddapah.

Month and Date.	Area.		Month and Date.	Area.		Month and Date.	Area.	
	ACRES.	DL.	*Kurnool.*	ACRES.	DL.		ACRES.	DL.
23rd Aug. 1872.	...	*53	27th Aug 1872.	228	-0	27th Aug. 1872.	527	50
28th ,, ,,	229	57	13th Sept. ,,	466		8th Oct. ,,	670	86
2nd Nov. ,,	811	99	13th Nov. ,,	† 69	41	21st Nov. ,,	† 34	40
21st ,, ,,	303	71	16th Dec. ,,	394	58	6th Jan. 1873.	11	62
7th Jan. 1873.	† 14	57	24th Jan. 1873.	282	22	25th ,, ,,	123	18
28th ,, ,,	10	46	28th ,, ,,	† 5	87	...	...	...
			Cuddapah.					
20th June 1872.	14	05	20th June 1872	77	49	4th July 1872.	544	64
11th July ,,	124	22	26th July ,,	39	12	4th Sept. ,,	3	03
6th Sept. ,,	2	00	6th Sept. ,,	2	77	7th ,, ,,	103	67
19th ,, ,,	39	32	23rd ,, ,,	67	26	1st Oct. ,,	14	94
8th Oct. ,,	1,066	58	14th Oct. ,,	9	18	17th ,, ,,	6	25
21st ,, ,,	53	75	21st ,, ,,	2	53	21st ,, ,,	1	25
21st ,, ,,	8	62	25th ,, ,,	5	78	7th Nov. ,,	7	15
				† 7	99		60	73
7th Nov. ,,	31	66	7th Nov. ,,	3	10	7th ,, ,,	3	40
13th ,, ,,	30	79	18th ,, ,,	2	84	21st ,, ,,	†56	91
21st ,, ,,	6	49	26th ,, ,,	23	11	3rd Dec. ,,	4	87
3rd Dec. ,,	10	46	3rd Dec. ,,	5	19	5th ,, ,,	33	30
18th ,, ,,	† 2	23	8th Jan. 1873.	6	44	20th Jan. 1873.	†77	75
				† 21	08		38	10
3rd Feb. 1873.	31	34	15th Feb. ,,	1	71	18th Feb. ,,	†15	01
	†12	91						
28th ,, ,,	18	85	5th Mar. ,,	18	10	...	...	...
	† 1	13						

* Floodings only.
† Floodings.

NOTE.—Read this table horizontally; not down each column.

(Signed) J. H. LATHAM,
Chief Engineer.

From J. H. LATHAM, Esq., Chief Engineer of the Madras Irrigation and Canal Company, to E. TURNER, Esq., Acting Collector of Kurnool, dated Kurnool, 17th March 1873, No. 14.

Settlement of 1872-73.

YOUR No. 234 of 7th instant. I have he honour to apologize for the delay in answering this letter; I, however, wrote on the 8th instant to the Chief Engineer for Irrigation, asking him what rules the Government desire to see carried out in the settlement.

2. It is my wish, and I think it should be yours and have no reason to suppose that it is not so, to carry out the rules prescribed by Government cordially, and with every effort to make them efficient, even although such rules seem defective or inexpedient. The rules have been settled by Government after hearing all sides fully; and I for one should distrust my own judgment if I differed from a well-considered order of Government, and should wish, at least, to give the order a fair trial.

3. But I have *no* doubt that the rules for surreptitious irrigation, and for payment of rate by the entire fields, are perfectly fair and just, complete, and not only expedient but necessary. Any rules substituted must be similar and differ in details only.

4 I will sketch the history of the first. Government first ordered a double rate on surreptitious irrigation. It happened that I drew up a form of ticket here in 1866* on the back of which I proposed to print the rules affecting irrigation, and amongst them that ryots who took water without applying should pay double water rate, according to the Government rule, as I understood it. Mr. Minchin, when I met him to discuss these tickets, without denying that I had stated the then existing rule aright, said that double rate was too much. I assented to its being altered to one and a half rate, and he then said "yes, if you alter it to one and a half rate, I will support that." I may add that in discussing these rules the Revenue Board never intimated that "surreptitious" did not include all irrigation carried on without application.

* See Proceedings, Revenue Board, No. 6,897 of 26th September 1866, *et. seq.*

5. The next phase of the case is in a letter No. 32* of 24th July 1866, of Mr. Minchin's successor, Mr. Sullivan. His view was that the taking of water without any application should not be punished, but that a partial application, where the ryot cultivated more than he had registered for irrigation, should be strictly punished with double rates.

* *et. seq.*

6. Mr. Chase followed and took a more extended view of the subject, as you well know. He refused to consider any double water-rate due unless *fraud* were proved, and he seemed to think it unfair that the Company should in all cases get Rupees 6 an acre for rice grown under the canal and irrigated by canal water. In Kambalapully 1 Rupee was charged, and in Yellala *nil*; the reason being given that rice was known to grow in some places without irrigation at all, and that a spring, which never had, *might* have enabled a rice crop to grow in the latter case.

7. I fear lest Mr. Chase's successor may urge that if a ryot grow rice under the canal he cannot fairly be charged, because the canal makes the ground too wet to grow anything else than rice. There would be some reason in this, but I see none in the other objections. *If a rule be made, and effectively proclaimed, regarding the payment which will be exacted for any voluntary act of the ryots, then there is nothing unjust in enforcing it.*

8. When the Collector and Magistrate of Kurnool from time to time insisted that the employés of the Company should "not interfere in any way with Revenue matters," either to explain the rules or to advise the conditions of remission, as being matters "with which they have no business," it became surely the duty of that officer to see that the rules he insisted on administering were properly administered, and that the rights of the Company were protected, and not neglected. I, however, have seen no signs of that duty having been fulfilled with reasonable precaution. As the representative of the Company here, I must request the Government to give the Company the protection guaranteed by their own rules administered by their own officers.

Memorandum from J. H. LATHAM, Esq., Chief Engineer of the Madras Irrigation and Canal Company, to Lieutenant-Colonel J. MULLINS, R. E., Chief Engineer for Irrigation, dated Kurnool, 17th March 1873, No. 12.

ENCLOSING press copy of my reply (No. 14 of 17th instant) to No. 234 of 7th instant, of Acting Collector of Kurnool to me, copy of which I sent you with my letter of the 8th instant.

From J. H. LATHAM, Esq., Chief Engineer of the Madras Irrigation and Canal Company, to Lieutenant-Colonel J. MULLINS, R.E., Chief Engineer for Irrigation, dated Kurnool, 10th March 1873, No. 11.

Rules for Irrigation for 1873-74.

IN a recent letter I have asked you to favour me with the wishes of Government as to what rules should be taken to guide me in the settlement of 1872-73. The experience of the past year has been so unfortunate that I feel bound to press on your attention the coming season also. I beg you will not think that I am anxious on the part of the Company to press *their* interests in particular. My instructions are to endeavour to carry out the spirit of the contract between the

Secretary of State and the Company, and *that* is one of "fairness" and of a statesman-like policy with a view to producing an effic ent experiment in irrigation at a cost to the country of a million or two.

2. In the present letter I shall have the honour, omitting all points of opinion as to whether this or that change would be an improvement, to confine myself to pointing out those of the existing rules which absolutely do not work, and to suggesting remedies at least sufficient for this year. The first applications for irrigation are due in twenty days; so that there is no time to spare. I assume that you know the present rules, and I will merely sketch the present practice.

3. I will ask you to picture to yourself the canal and distributing channels just filled, say at the end of June. Each of the four Engineers has 47 miles of main canal; each of the nine Overseers or their substitutes has about 21 miles; and the irrigated district is nearly entirely within the range of seven of these. The distribution is effected by a series of channels sanctioned by Government, and their extensions made on sufferance under the general sanction for subsidiaries. Some of these channels are 20 or 30 miles long, and are capable of extension. The four Overseers in charge of the 6th Section, of the 8th Section east of the canal, and of the 8th Section west of the canal, and of the canal below Maidkur, have each above 60 square miles of country permeated by channels under him. The canal commands portions of above 170 villages in the Kurnool District alone. Lastly, the channels hitherto made are not field channels, and do not approach nearer the fields they command, sometimes, than two or three miles. The first thing is to run these all full of water and see that they are in working condition, and then the canal is fairly open for the year.

4. Then the rules provide that the ryots are not to take water for *portions* of fields. Surely the Company's Officers cannot prevent this. The only remedy is a penalty such that when a ryot is found to have irrigated a mis-shapen part of his field and the penalty is inflicted, he shall find that it will not answer to do the same thing again. In other words, he must be called upon to pay for the whole of any field he irrigates at all. Again, the rules provide a machinery for registering applications for water, with the area of the field for which irrigation is sought and the rate. The only way of enforcing this is to subject an offender to such a penalty as will make him feel it is not worthwhile to do it again. The Company cannot *prevent* a ryot violating either rule; on the contrary, there is necessarily every facility for a violation of either.

The rules provide that if a ryot desire irrigation and has applied for it, then the Company supply the water on to his field. Suppose, as on the 27th and 28th August last year, applications are sent in from the Collector to me, covering 37 pages of foolscap, a line to an applicant, say 400 fields. In a famine year many more should come in, and requiring very urgent supply; but I am here speaking of ordinary cases. The necessary field channels require to be mapped, and two copies sent to the Deputy Collector, village by village, involving forty-eight plans in this case. The Deputy Collector has one or two surveyors who check these; and, as an emergent case, the Deputy Collector has authority to, at once, bargain for the necessary land. As a test of the time necessary for thus obtaining land, I went out on the 8th and 9th of January into Karimadula with the Revenue Survey plan of the village, mapped out all the field channels necessary for a complete irrigation, and despatched the duplicate copies to the Deputy Collector on the 1st ultimo. On the 7th, I wrote again urging the emergency of the case of this and other villages, and stating that my Overseer and men were on the spot, and would complete five miles a week from the date he allowed them to begin. The Deputy Collector agreed in the emergency and in the impossibility of averting a famine with things as they are, but there it ends. My last accounts from the Overseer the other day were that there was no land made over nor permission to begin, and that he had sent his men back to work elsewhere. The Collector of Kurnool* speaking of the Village Curnam says that if he attempted to conduct water in a channel through one field to reach another, "he would lay himself open to a criminal prosecution for trespass, and a civil action for damages." It is utterly useless to send in more plans yet in the Kurnool District. I have sent in applications in due form for above 120 miles of these channels in seven villages, and have 50 more

* No. 26 of 30th July 1866, paragraph 3.

Proceedings of the Madras Government, Public Works Department, 30th April 1873.

ready in my office. The majority are not much above the size of a good [illegible], 2 feet [illegible] and 4½ inches deep; but even these are large enough to entail a criminal [illegible] size of the proper routine be not patiently followed.

As you are aware, the local revenue officers [illegible] to its fact any [illegible] tious irrigation in the sense of irrigation without [illegible] of land. If a man apply for 0·10 acres in the [illegible] and [illegible] found to be three times the size or more, he is not [illegible] cannot conceive, it is said, that when a ryot [illegible] the Company, you cannot call it a [illegible] may be committed in broad daylight. The real [illegible] have never informed the ryots what the rules are [illegible] cently break them. And in the same way they [illegible] fields of inconveniently large size, though the [illegible] of so doing, and so it is a hardship though [illegible]

I beg you to bring these facts before Government [illegible] ing provisional rules to hold until permanent [illegible]

(1.) If any portion of a field be irrigated [illegible] Company's Officer, then the owners must pay [illegible]

(2.) If any portion of a field be marked [illegible] cation made for its irrigation, then on the application [illegible] Officer shall demark the portion; and it shall thereafter be treated as [illegible] not to be less than six acres

(3.) Any ryot who chooses to make application [illegible] necessary water from the nearest convenient [illegible] to enter on the land necessary therefore.

(4.) The above rules to hold in any village [illegible] up a vernacular notice of them specifying the [illegible] which the canal water is being supplied.

(5.) The Company's Agent is hereby authorized to put up such a notice in any village to

All the excuse that the Deputy Collector, A [illegible] Rendall and myself was—"If the canal belonged to [illegible] not occur;" poor ryots, I suppose not. But there [illegible] occur, even while the canal belongs to a Company [illegible] ruin the power of the canal as a means of [illegible] fears that the Engineers of the Company may not [illegible] authority as is exercised by the managers of any W[illegible] Company in England.

In conclusion, I will urge that the attempt to [illegible] necessarily affords great facilities for fraud, without [illegible] penalties, or special powers adapted for the benefit [illegible] far as I know, never tried in recent times out of the Kurnool and Cuddapah Districts, and its utter failure is rather re-assuring than otherwise, [illegible] practice. Of course, I except canals conducted directly by an arbitrary Government.

Submitted to Government in connection with the correspondence which was communicated to the Revenue Department in G. Os., Nos. 2,[illegible] and 1,415, dated 17th December 1872, and 7th February 1873, respectively.

2. The rules relating to the supply of, and the charge for, water from the Company's Canal require revision and extension. At present the local Revenue Officers appear to exercise a wide discretion in the interpretation of these rules, and it may be noticed that without the concurrence of the Company's responsible

officers much that has been done by the Collector of Kurnool appears to be in contravention of the agreement which was virtually entered into by the Government with the Company when the rules were first introduced, *e. g.*, the reduction of the water-rate for rice grown under the canal at Kumbulpully to 1 Rupee, and the omission of any charge at Yellala.

No. 14, dated 17th March, to Collector.

3. The Chief Engineer has been informed that his letters have been laid before Government, and that, until new rules are drawn up and agreed to, the demand on account of water supplied for irrigation must be settled with reference to the rules hitherto in force.

(Signed) J. MULLINS, Lieut.-Colonel, R.E.,
Chief Engineer for Irrigation.

No. 509. ORDER THEREON, 30th April 1873, No. 1,230.

IRRIGATION, No. 31.

ORDERED to be communicated to the Revenue Department in continuation of the papers recorded in G. O. No. 415, dated 7th February 1873.

(True Extract.)

Lieut.-Colonel, R.E.,
Joint Secretary to Government.

To the Revenue Department.
,, Chief Engineer for Irrigation.
,, Acting Manager of the Madras Irrigation and Canal Company.

Exd. E. C. Shunker.

No 140.

22 May 73.

Gd. 1st April 1873 Nos 8-4
- 14 February 1873 Nº 74 Do
- 6 January —— 11 -

Revd 1873 Sept
Nº 1305.

Copy of [1873] Order.

PUBLIC WORKS.

To

THE REVENUE DEPARTMENT,

&c. &c. &c.

Read April 30th.

Ord. May 12th

Read.

C. O., 30th April 1873, No. 3,0[illegible].

APPEAL

Rec. 503-593

Watercress Farm on the east of the waterworks between the Metropolitan and Canal Company's Works and adjacent to the Paraua Regatta.

No 140 - 22 May 873

9 Sales, Copy of Rec. on 20 Aug