M.R.O. 1—20,002—12-3-65.

(1) Number of Pages 8

(2) Date of repair 21-8-68

(3) Initials of the Referencer

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1957 ~~Press~~
~~B.P. No.~~ Mis.

Dated 22-9-1875 ~~196~~ .

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
4th September 1874.

No. 95. Read the following endorsement of the Consulting Engineer for Railways, dated Madras, 8th July 1874, No. 398 :—

From Captain H. BAILEY, Officiating District Engineer, Salem, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Salem, 6th July 1874, No. 92.

With reference to your letter, No. 537 of the 12th instant, and its enclosure, herewith returned, I have the honor to f ward copy of a report received from the Range Officer, Tripatore, from which u will see that there was only one very small Government tank breached in the lley of the Vaniembady river, those which breached and caused the damag the railway being the property of Inamdars, over whom this department h authority.

2. You will perceive that the onl ernment tank which breached was of so little consequence that the Railw gineers heard nothing of it, as it is not shewn on the sketch.

3. The previous report from the R Officer would seem to have referred to Government tanks only.

From Mr. H. ARBUTHNOT, in charge of Trip ange, to Captain H. BAILEY, Officiating District Engineer of Salem, dated T , 24th June 1874, No. 195.

With reference to letter No. 537, dated 1 e 1874, of the Consulting Engineer for Railways, and your Memorandum, No. 217 of t idem, I have the honor to report, after a personal examination of the valley of the Vaniem er, that the first tank that breached in it was the Nimmayamputty Puckriaree, denoted b he sketch, a second-class tank, belonging to an Inamdar, who, being unable to meet the e ure for the repairs of the breaches caused by the late heavy rains, has handed over the t overnment. The road from Vaniembady to Allangayam traverses its bund, which has no ed in three separate places ; first, south of the calingulah to an extent of 18 feet ; in tw places further south-east 70 and 60 feet wide each.

2. The water from a drainage basin of re miles, or more, not being able to be discharged by the calingulah, only 36 feet wide, ped the bund, carrying away the portions already mentioned, and slightly injuring the c h lately built of rough stone in chunam.

* Denoted by B in sketch.

water then passed on to the Gounden away its rough stone calingulah, which is sin dar tank,* situated to the west, washed rising ground on the other. ermination of the bund on one side and

The breach has been partly closed, and th lah repaired, so that water now stands in the tank to a depth of about 10 feet.

3. The water escaping from this tank next into Yerracoottai, Reddioor or

* Denoted by C in sketch.

oottai Aree* (also and Inamdar tank), rear at the north, and breached a considerable p bove the bund, causing a large slip in the 200 feet in length. the bund adjoining the calingulah, about

4. The calingulah was quite insufficient narge the surplus, being only 40 feet in dimensions, terminated by the bund on one side anked by high rising ground on the other.

5. A small Government tank on the east, by the name of Renojy Row Coottai, also breached to the extent of about 15 feet at its slu ich was completely swept away. The tank is about 250 feet in length and 100 feet in bre nd its surplus flows into the Reddioor or Cothacoottai tank, which is the largest and last group towards the east which breached and augmented the jungle stream flowing into the V bady river.

6. The Vapumpet Mittadar tank, situated to the south-east of Vaniembady, on the 130th mile of Trunk Road No. 5, receives the surplus water of the Donthithope, Papancottai, and Appalreddi tanks above it, and drainage of a portion of the Yalagherry hills and the uplands in the west. This tank breached its bund in two places to the extent of 30 and 20 feet, and had the upper portion of its bund washed away for about 50 feet in length and about a foot and a half in height.

Denoted by D in sketch.

7. Its calingulah, 60 feet in length, had its crest wall of rough stone completely washed away. The surplus of this tank flows into the Chettiappanoor tank below, and falls ultimately into the Vapumpet stream feeding the Vaniembady river. The last-named Government tank has not received any injury nor the one below it.

Submitted for the information of Government in continuation of this office letter dated 23rd June 1874, No. 53[illegible].

2. It appears that the former report from the Range Officer of Tripatore, in which it was stated that no tanks had breached above the break near Vaniembady, had reference only to the Government tanks situated on the Vapumpet jungle stream, a tributary of the Vaniembady river. The correspondence now submitted corroborates the statement of the Railway Authorities as to the number of tanks breached in the valley of the Vaniembady river, but, as these tanks are the property of Inamdars, no control exercised over them by the Public Works Department. The Inamdar of the highest tank of the series is stated to have handed the same over to Government, he being unable to defray the cost of repairs. The calingulahs of the dam[illegible] tanks appear to have been inadequate for the discharge of rainfall such as occurred in the early part of May.

3. A Government tank, which is not admitted in the statement furnished by the Chief Engineer, is also reported to have breached, but it is so small that probably its effect in raising the level of water in the Vaniembady river was insignificant.

(Signed) W. H. COAKER, Lieutenant, R.E.,
for *Consulting Engineer for Railways.*

No. 96. Order thereon, September 1874, No. 2,511.

RAILWAY, No. 5.

G. O., 28th February 1872, No. 535.
,, 27th November ,, ,, 2,783.
,, 20th January 1873, ,, 84.
,, 28th March ,, ,, 963.

It is observed that in the orders quoted in the margin the condition of Government tanks above lines of railway, the breaching of which was likely to endanger embankments and other works, came under special notice, and the attention of officers was called to the necessity of more systematic treatment than had hitherto been followed, using the Revenue Survey Taluq Maps for the purpose of grouping.

2. No system of tanks, however, it is observed, be efficiently managed without including the private tanks within the same catchment basin; and the subject of the safety of these tanks was remitted to Collectors in the Orders of the 28th February 1872, No. 535, but there is nothing to show what action, if any, has been taken by Collectors or the Board of Revenue in connection with the subject.

3. The Board of Revenue will now, in communication with Collectors, report on the existing state of the law and the general condition of such works of irrigation in private estates; and will advise the Government on the whole matter, having in view that loans may be obtained under the Agricultural Improvements Act for such purposes. The Board will, if necessary, also consult the Advocate General on the subject.

4. In respect to the bridges recently managed, His Excellency the Governor in Council observes that it is incumbent on the Railway Authorities to show that the structures were designed with regard to the catchment basins of the streams crossed. It is very doubtful if sufficient waterway was originally provided.

(Transmit.)

Colonel, R.E.,
Secretary to Government.

To the Consulting Engineer for Railways.
,, Revenue Department.
,, Board of Revenue.
,, Chief Engineer for Irrigation.
,, Dist Engrs concerned

Exd. S. T. Austin.

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N. 3088.

Revenue Deptmt

Govt. of 1874 Madras

PUBLIC WORKS.

To

THE CONSULTING ENGINEER

for RAILWAYS

&c. &c. &c.

Dated September 4th.

Read 10 September /74 Encl.

G. O., 4th September 1874, No. 2,511.

VCR 4135/74 17/2.12.74

VBdPro 25 Aug/75 at 2410

1957

75

SEPTEMBER

Nos. 95-96

1019

Tanks.—The Board of Revenue requested, in communication with Collectors, to report on the existing state of the law on the subject of the safety of private tanks, the breaching of which is likely to endanger embankments and other works.

10 Sepr

No. 2,410.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 25th August 1875.

Read the following replies to Board's Proceedings, dated 3rd October 1874, No. 2,863 :—

From the Collector	of Cuddapah,	dated	5th December	1874,	No. 272.
,, ,,	of Bellary,	,,	13th February	1875,	,, 33.
,, ,,	of ,,	,,	17th April	,,	,, 114.
,, ,,	of Kurnool,	,,	29th January	,,	,, 33.
,, ,,	of ,,	,,	16th June	,,	,, 207.
,, ,,	of Chingleput,	,,	25th January	,,	,, 17.
,, ,,	of Madras,	,,	26th October	1874,	,, 247.
,, ,,	of North Arcot,	,,	26th ,,	,,	,, 555.
,, ,,	of Tanjore,	,,	15th January	1875,	,, 28.
,, ,,	of Trichinopoly,	,,	10th April	,,	,, 95.
,, ,,	of Coimbatore,	,,	19th November	1874,	,, 283.
,, ,,	of Salem,	,,	28th ,,	,,	,, 447.
,, ,,	of Malabar,	,,	10th December	,,	,, 293.
,, the Government Solicitor,		,,	30th October	,,	,, 567.

THE letters read above will be submitted to Government, with reference to G.O., Public Works Department, dated 4th September 1874, No. 2,511, in which in connection with the safety of the railways, the Board were directed to report on the state of the law regarding the proper maintenance, and on the general condition of tanks belonging to private proprietors and commanding the railway lines.

2. From the above reports it will be seen that there is no reason to apprehend danger to the lines from the breaching of such tanks in Bellary, Tanjore, Madras, Coimbatore, Kurnool, Trichinopoly, or Malabar. In Chingleput there is, according to the Collector, only one private tank which can endanger railway works, *viz.*, Konerikuppam on the Conjeveram line; and in that case the Collector thinks, evidently with reason, since the line runs right through the tank, that it is incumbent on the Railway Company to do what is necessary to make the embankment safe.

3. In the letter of the Collector of Cuddapah, he states that there are only two tanks, one a dasbandam and the other a shrotriem tank, from which danger can be apprehended. The Board are in correspondence with the Collector as to the liability of Dasbandamdars to construct works required to ensure the safety of their tanks for the maintenance of which they hold Inams; and the question is of importance as affecting the safety of Government works. The Collector should move the Shrotriemdar of Jillela madaka to execute the repairs necessary with the advice and assistance of the Public Works Department, as directed in recent order of Government.

G. O., 15th April 1875, No. 1,047, P. W. D.

4. So far as the safety of the railway is concerned, the condition of private tanks and of the law as to their repair and maintenance appear to be matter of

importance only in the districts of Salem and North Arcot. In Salem, the Collector having obtained a list of private tanks threatening the railway in Tripatore Taluq, where they were most numerous, called a meeting of the proprietors and succeeded in getting them to agree to execute to the satisfaction of the District Engineer or Range Officer such works as were considered necessary to render the tanks secure. These proceedings were very judicious, and the Board trust that the works have by this time been carried out. The Collector is requested to report on this point.

5. The subject has for some time engaged the attention of the Collector of North Arcot, and he has been endeavouring, but without much success, to get the proprietors to repair their tanks. He has in some instances found notices under Chapter 39 of the Criminal Procedure Code effectual; but he expresses doubts whether provisions of that enactment are applicable, unless when the danger is actually imminent or the state of the work so bad as to make it a public nuisance. He points out that it is advisable that there should be summary power of interference before matters come to this pass, and considers legislation desirable. As regards advances under the Land Improvement Act, he states that the security would in very many cases be bad, and suggests for consideration whether Government should not interfere and advance the money necessary, even if the owners decline to borrow under the Act.

6. From the Advocate-General's opinion, there seems to be ample remedy, civil and criminal, after the event, since the omission to provide proper escape for surplus water would probably be held to be such negligence as would make a man responsible; but the only mode of interference when danger is only apprehended is action by a Magistrate under the chapter of the Criminal Procedure Code, which has been put into operation by the Collector of North Arcot, and a Civil proceeding for an injunction. Mr. Cunningham, however, also suggests express legislation.

7. So far as the railway is concerned, the Board think that the danger, as shown by their reports, is not sufficiently great to warrant exceptional legislation, and this, if called for at all, is required more for the protection of Government works of irrigation which are endangered by the insecure condition of private tanks discharging into them. Government have recently issued instructions for dealing with such cases, and the effect of these orders should be awaited. Further, it is difficult to see what form the new legislation should take. It would probably make action dependent upon the recorded opinion of the Collector and District Engineer, and would make expenditure which they might incur recoverable as arrears of revenue. But it is not likely that the legislature would authorize action upon the mere opinion of these interested officers, and it would probably be required that this opinion should be fortified by the concurrence of a jury (as in the case of Magistrates under the Code acting otherwise than on sudden emergency), or of a Civil Court. In this case the procedure would be scarcely more expeditious than a suit for injunction, which it is now open to Government to file; and if it were in any case necessary to incur immediate outlay to avoid danger, such could probably be recovered through a Civil Court under the existing law.

G. O., dated 25th June 1874, No. 1,721, para. 4.

8. The Board submit, therefore, that express legislation is not immediately advisable or necessary.

(A true Extract.)

H Evans

Acting Secretary.

To the Secretary to Government, Public Works Department,
with a file of Collectors' reports.
,, all Collectors of Railway Districts, with copy of G. O., dated 25th June 1874, No. 1,721, Public Works Department.

Copy to the Acting Secretary to Government, Revenue Department.
,, to the Government Solicitor.

Exd. W. H. French.

6 O 7 July 74 — 868 Ltr
10 Sept — 71 —
29 April 75 — 872 —

Rev: 1875: Sept
No. 3 621
No. 1236

1875.

Board of Revenue,

MADRAS.

PROCEEDINGS, 25TH AUGUST 1875, No. 2,410.

Dup: 10 Sept 75

Encl.

Received 17 Sept

AUGUST.

No. 2,410.

Tanks—belonging to private proprietors and commanding railway lines in Madras Presidency. —Reports of Collectors of Railway Districts on the state of law regarding proper maintenance and on the general condition of —, reviewed and submitted to Government with remarks.

No. 1957
Revenue
22 Sept 75

1 Vol Proceedings &c. 25 Aug

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