M.R.O. 1—20,002—12-8-65

(1) Number of Pages 6

(2) Date of repair 3.6.68

(3) Initials of the Referencer [illegible]

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 380 ~~Press~~

~~B.P. No.~~ Mis.

Dated 25-2-1875 196 .

Not to be folded or roughly handled

Read the following endorsement of the Chief Engineer for Irrigation, dated Camp at Vaniembady, 19th January 1875, No. 77-A :—

ajor J. BEATTY, R.E., District Engineer, Godavery, to Lieutenant-Colonel J. MULLINS, R.E., Chief Engineer for Irrigation, dated Dowlaishweram, 9th January 1875, No. 3,141.

your letter, No. 32, of 13th January 1874, you state that land for public works can be taken possession of in either of the following ways :—

rom Officer in charge No. 3 Range, 433, of 20th October 1874. from Head Assistant Collector, dated October 1874, with 2 enclosures. do., No. 150, dated 4th November

1*st.*—When officially transferred by the District Revenue Officers.

2*nd.*—When permission for occupation is given in writing by the owners, in anticipation of formal transfer.

It has been found in No. 3 Range (where the rules regarding formal transfer have been most closely complied with, *i.e.*, land* plans and schedules prepared, a register† kept, etc.,) that to wait for formal transfer through the

rcular No. 56, of 13th November 1873. aph 2 of G. O., No. 1,617, of 20th 1873.

e Department is a source of very great delay. The "two or three months " mentioned in the last clause but one of your memorandum, No. 397-B, of e 1874, is evidently found by the Revenue Department to be quite insuffi- ıd, if the Range Officer did not adopt the second method of acquiring land ı suggested, he could make no progress at all, and works would come to ıtill.

The system of acquiring land by taking the written consent of the or, who, of course, agrees to take such reasonable compensation as may be the Revenue Department, and then occupying it in anticipation of formal , has been found of the greatest assistance to the department in carrying new works sanctioned in the deltas, and no difficulty has hitherto arisen llowing it; but you will observe from the accompanying letter of the Head Assistant Collector that it is pronounced to be "undoubtedly opposed direct orders of Government," "absolutely illegal," and "cannot be ."

Mr. Sewell doubtless means that there is no authority, so far as the e Department is aware, for adopting that method, and I have, therefore, the o request you will be good enough to refer me to the authority under ou prescribed it, or obtain orders of Government sanctioning it.

As you will observe by a subsequent letter from the same officer, at uggestion I make my present reference to you, he considers it impossible to fix any time* to be allowed the

Iemorandum, No. 165, of 18th February 4.

Revenue Department for making necessary arrangements for the transfer of ıd there is little experience of the time necessary for taking it up under of 1870. Previous experience, however, of obtaining land in the regular through the Revenue Department is that it occupies many months, and arther period of about a year is required before payment is made.

6. But in regard to Mr. Sewell's second letter, No. 150, of 4th November 1874, I must also point out that much of it is based on the mistaken assumption that a Revenue Officer is qualified to determine the best site for one of our delta works, and whether the line of a canal or channel may not be altered to suit the whims and fancies of individual ryots. In ninety-nine cases out of a hundred, of course, when a Range Officer has determined the best line for such a work, it should be constructed there, or not at all. Into this mistake, however, they have doubtless been led by the wording of Circular from the Government of India, No. 59-A, dated Simla, 2nd July 1867 (herewith sent), wherein it is laid down that the Civil Officer is "to ascertain whether the object sought cannot be secured otherwise either by obtaining some other plot of land than what was originally intended, or in some other manner." This, however, in the case of delta works, is quite inapplicable.

Submitted for the orders of Government.

The instructions conveyed to the District Engineer in this Office Memorandum, No. 32, of the 13th January 1874, were, so far as the second method of obtaining possession of land, viz, by the written consent of the owner, is concerned, based upon orders which were sent to Public Works Officers some years since, and the supersession of which by more recent orders on the subject was overlooked. As an Executive Officer, the undersigned but seldom experienced even in Tanjore any difficulty in getting land-owners to consent to their lands being occupied in anticipation of their formal transfer and the consequent payment of compensation.

2. The Head Assistant Collector refers to this practice as illegal, but he must mean irregular, which no doubt it is. At the same time he does not appear to consider that there is any objection to it in principle, provided the Government see fit to authorize it. The orders of the Government of India on the subject of the acquisition of lands for public works purposes would seem to have been issued in reference to circumstances differing materially from those prevailing in the rural parts of this Presidency. Land compensation claims are here usually moderate and easy of settlement, and, during all the years the undersigned has been connected with irrigation works, there has been no case that he is aware of in which any large sum per acre has been demanded for the land required, except perhaps in connection with the Madras Water Works, which was from the position of the lands near the Presidency exceptional.

3. Such being the case, the relaxation of the rule in the case of the Godavery Delta works appears to be desirable. The practice of taking possession with the consent of the owners has, it is reported, not occasioned any difficulty, and, on the other hand, conformity to the procedure laid down in the rules of the Government of India, will at once create very considerable difficulties and lead to most inconvenient delay in the prosecution of the delta works, a delay which will result in much greater loss to Government than any possible enhancement in particular cases of land compensation would occasion. If the method detailed by the Head Assistant Collector be followed, it would seem that all that is required in nineteen cases out of twenty would be secured.

Proceedings of the Madras Government, Public Works Department,
20th February 1875.

4. The Head Assistant Collector is manifestly desirous of doing all in his power to facilitate the transfer of land in the way required by the rules, and had he nothing else to do, and were he alone to manage it, no doubt his efforts would be very successful, but where a great many officers are concerned and many requirements have to be attended to, delay is inevitable. Those ryots, who have a strong desire to keep their lands very naturally, suggest that a canal or channel should be carried on a different alignment, and to satisfy threeor four Revenue Officers of different grades that a change of line is not expedient is necessarily a work of time, and possibly, as the District Engineer intimates, a work of patience as well, seeing that to the uninitiated the reasons for the adoption of particular levels must be hard to understand, and the position of an off-take of a branch channel may seem a matter of indifference within a considerable distance either way. Where, therefore, the land owners acquiesce in the proposal to transfer their lands, it would be a waste of time and power, it is thought, to require that an elaborate process should be gone through when a simple one will answer the purpose, and there can be no question of the superior economy of the simple procedure.

5. It may reasonably be asked, however, why applications for land are not, or cannot be made a year or two before such land is wanted? The answer is that it is merely a question of establishment. Nothing would be easier, had the Delta Officers plenty of time to spare. As it is, they have so much more than enough to do to attend to pressing requirements, that it is practically impossible for them to provide for the future as well as the present. When a canal or channel is about to be commenced, its working details are finally settled, and then, and not till then can the exact extent of land required be shown on paper. If thereafter two or three months will suffice to secure possession of the land, the regular process can be adhered to, if not either the more direct arrangement of allowing the land to be occupied with the consent of the owner must be sanctioned, or the works must be frequently postponed until another year.

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

No. 528. Order thereon, 20th February 1875, No. 501.

IRRIGATION, No. 39.

The Government desire to have before them more definite information as to the working of the system under which Range Officers in the Godavery Delta have been in the habit of obtaining the consent of the ryots to the occupation of their lands for the delta irrigation or canal works, in anticipation of the settlement of compensation and the formal transfer of the land by the Revenue Officers. It should be shown—

1*st*.—On what dates applications to the Revenue Officers for formal transfers have been made, the areas included in such applications, the dates on which the transfers were made, and the rates per acre settled in each case.

2*ndly*.—What lands have been taken possession of and occupied with the consent of their owners and on what dates; when the applications for formal transfer were sent to the Revenue Officers; when the transfers were completed; and what the rates per acre in each case were.

Proceedings of the Madras Government, Public Works Department,
20th February 1875.

2. Pending the submission of this information, the occupation of lands with the written consent of their owners is authorized so far as this course may be necessary for the operations of the current working season.

3. It may be noticed that all applications for the formal transfer of lands should be made in the prescribed way to the Divisional Revenue Officers direct, and not to the taluq or other subordinate Revenue Officers.

(True Extract.)

C. Walker Colonel, R.E.,
Secretary to Government.

To the Chief Engineer for Irrigation.
" District Engineer, Godavery.
" Revenue Department.

No 687
Revenue Department

Govt. of [1875] Madras.

PUBLIC WORKS.

To

THE CHIEF ENGINEER FOR IRRIGATION.

&c., &c., &c.

38 Encls.

Dated February 20th.

Rcvd. —a—24. Encl.

G. O., 20th February 1875, No. 501.

FEBRUARY.

Nos. 527-528

Lands.—Passing orders on Note by the Chief Engineer for Irrigation on the method of obtaining possession of lands required for Public Works in the Godavery Delta.

No 380

Comm.r to the
Board of Revenue

25 Feb/75

Vide Cir: 2867 of 1875 from the P.W. Dept. dt 13 July/75

5 Encls. Board's Ord. 27 Feb