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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. / ~~B.P. No.~~	898	Press / ~~Mis.~~
Dated 9.6.1875	196	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 9th June 1875.

No. 83. Read the following Proceedings of the Board of Revenue, dated 14th May 1875, No. 1,281:—

Read the following letter from J. HOPE, Esq., Acting Collector of Kurnool, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 5th April 1875, No. 104:—

I HAVE the honor to submit the enclosed copies of correspondence between myself and Mr. Latham, and request the Board will obtain, if necessary, the orders of Government on the interpretation to be put on Clause 7 of Rule VI. of the Irrigation Rules sanctioned in G. O., No. 830, dated 3rd July 1874.

2. Mr. Latham contends that ryots applying for water under that clause must be charged at one Rupee a-month for the whole period the canal is open after the 31st December. For instance, if the ryots took water only up to the end of January, but the canal was not closed till the 15th of April, they will, he considers, still be liable to pay Rupees 3½ for the one month's irrigation they had after the 31st December. It seems to me that such a charge would be unjust in principle, and would press hard upon the cultivator.

3. The rule regarding seasonal irrigation was inserted at the request of Mr. Latham. Before that, the practice was to charge 6 Rupees for all crops which were harvested within a maximum period of six months, and in cases where this period was exceeded, to charge a second-crop assessment, remitting, of course, a proportionate amount for the months for which water may not have been supplied —(*vide* Mr. Turner's letter, No. 103, dated 27th March 1873) I do not believe that it was intended, when framing the new rules, to go against the practice which prevails under all Government works of irrigation.

4. The rule, as I understand it, was not intended to apply to cases of distinct second crops, but only to garden crops, raised in succession, and "over-running" the 31st December. Probably Mr. Latham, when he proposed the new rule, entertained the view he now so strongly sets forth in his letter of the 19th February 1875, No. 18, but the Special Deputy Collector, who attended the discussion at Cuddapah, does not interpret it in the same sense, and fully agrees with the opinion expressed in my reply, dated 24th February 1875, No. 32.

5. Mr. Latham argues that a separate provision for the monthly charge is contained in Rule 5, and consequently the provision in Clause 7 cannot refer to the same subject. To this I would only point out that the Board in their Proceedings, No. 1,050, dated 6th May 1874, considered that Clause 7 was redundant, evidently putting the same construction upon it as upon Rule V.

6. The other points touched upon in the first paragraph of Mr. Latham's letter will be disposed of at the Irrigation Settlement.

ENCLOSURES Nos 1 to 4.—Copies of correspondence.

Proceedings of the Madras Government, Revenue Department, 9th June 1875.

SUBMITTED for the orders of Government.

2. The question is as to the interpretation of Clause 7, Rule VI. of those passed in G. O., dated 3rd July 1874, No. 830, and quoted in the margin. The Collector contends that the meaning is that a monthly rate is to be charged for the period during which water is taken; but the Chief Engineer holds the rule to mean that, when water is taken at all the charge is to be made for the whole period that the canal remains open after 1st January.

Rules for the distribution of Water from the Canal of the Madras Irrigation and Canal Company.

VI., 7.—For a series of crops, rice excepted, raised from 1st January to the closing of the canal, per month Rupee 1.

3. The Board fully agree with the Collector's interpretation, and it is clear from their remark referred to by the Collector that the rule was so understood by them when the draft was reviewed—(Proceedings, 6th May 1874, No. 1,050.)

4. The fairness of the interpretation is obvious. A ryot takes his chance of the supply continuing after 31st December, and is rightly charged the monthly rate for such supply as he may get though it be insufficient to mature his crop. On the other hand, a ryot who only wants and takes water for, say, twenty days in January, to bring his crop to maturity will, on Mr. Latham's interpretation, be charged [illegible] rupees, or the amount for four months' supply, if, owing to exceptional circumstances, the canal happens to remain open into the month of April.

(A true Copy and Extract)

(Signed) H. E. STOKES,
Acting Secretary.

No. 84. ORDER THEREON, 9th June 1875, No. 898.

Miscellaneous.

THE Government fully concur in the correctness of the interpretation placed on the rules by the Collector and advocated by the Board.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

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

Exd. J. W. Fischer.

Govt. of {1875} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

&c, &c, &c

Dated June, 9th

Read *Ent'd*

G O, 9th June 1875, No. 898.

JUNE.

Nos 83-84

Clause 7, Rule VI of the Rules for the distribution of Water from the Canal of the Madras Irrigation and Canal Company—Concurring fully in the correctness of the interpretation placed on — by the Collector of Kurnool and advocated by the Board.

REVENUE DEPARTMENT.

No. 2034

From Bd of Rev

Dated 14 May 1875.

FOR ORDERS.

Sketch as per Rules
Memo submitting
A. J. Mullett: 12/6
Rule V. and Cl 5: of
Rule VI. Sketch illustrating
Rule VI. Sketch
J. A. J. Mullett: Sketch
showing a Proportionate Charge
for the Time water is
Given. Must form the Time
for 3/3: Inspector is unable to
explain it. Sketch

FOR ORDERS.

No. 1,281.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th May 1875.

Read the following letter from J. HOPE, Esq., Acting Collector of Kurnool, to H. E STOKES, Esq., Acting Secretary to the Board of Revenue, dated 5th April 1875, No. 104:—

I HAVE the honor to submit the enclosed copies of correspondence between myself and Mr. Latham, and request the Board will obtain, if necessary, the orders of Government on the interpretation to be put on Clause 7 of Rule VI. of the Irrigation Rules sanctioned in G. O., No. 830, dated 3rd July 1874.

2. Mr. Latham contends that ryots applying for water under that clause must be charged at one Rupee a-month for the whole period the canal is open after the 31st December. For instance, if the ryots took water only up to the end of January, but the canal was not closed till the 15th of April, they will, he considers, still be liable to pay Rupees 3½ for the one month's irrigation they had after the 31st December. It seems to me that such a charge would be unjust in principle, and would press hard upon the cultivator.

3. The rule regarding seasonal irrigation was inserted at the request of Mr. Latham. Before that, the practice was to charge 6 Rupees for all crops which were harvested within a maximum period of six months, and in cases where this period was exceeded, to charge a second-crop assessment, remitting, of course, a proportionate amount for the months for which water may not have been supplied —(*vide* Mr. Turner's letter, No. 103, dated 27th March 1873.) I do not believe that it was intended, when framing the new rules, to go against the practice which prevails under all Government works of irrigation.

4. The rule, as I understand it, was not intended to apply to cases of distinct second crops, but only to garden crops, raised in succession, and "overrunning" the 31st December. Probably Mr. Latham, when he proposed the new rule, entertained the view he now so strongly sets forth in his letter of the 19th February 1875, No. 18, but the Special Deputy Collector, who attended the discussion at Cuddapah, does not interpret it in the same sense, and fully agrees with the opinion expressed in my reply, dated 24th February 1875, No. 32.

5. Mr. Latham argues that a separate provision for the monthly charge is contained in Rule 5, and consequently the provision in clause 7 cannot refer to the same subject. To this I would only point out that the Board in their Proceedings, No. 1,050, dated 6th May 1874, considered that Clause 7 was redundant, evidently putting the same construction upon it as upon Rule V.

6. The other points touched upon in the first paragraph of Mr. Latham's letter will be disposed of at the Irrigation Settlement.

ENCLOSURES Nos. 1 to 4.—Copies of correspondence.

SUBMITTED for the orders of Government.

2. The question is as to the interpretation of Clause 7, Rule VI. of those passed in G. O., dated 3rd July 1874, No. 830, and quoted in the margin. The Collector contends that the meaning is that a monthly rate is to be charged for the period during which water is

Rules for the distribution of water from the Canal of the Madras Irrigation and Canal Company.

VI., 7.—For a series of crops, rice excepted, raised from 1st January to the closing of the canal, per month Rupee 1.

taken; but the Chief Engineer holds the rule to mean that when water is taken at all, the charge is to be made for the whole period that the canal remains open after 1st January.

3. The Board fully agree with the Collector's interpretation, and it is clear from their remark referred to by the Collector that the rule was so understood by them when the draft was reviewed—(Proceedings, 6th May 1874, No. 1,050)

4. The fairness of the interpretation is obvious. A ryot takes his chance of the supply continuing after 31st December, and is rightly charged the monthly rate for such supply as he may get though it be insufficient to mature his crop. On the other hand, a ryot who only wants, and takes water for, say, twenty days in January to bring his crop to maturity will, on Mr. Latham's interpretation, be charged 4 Rupees, or the amount for four months' supply, if, owing to exceptional circumstances, the canal happens to remain open into the month of April.

(A true Copy and Extract.)

H Stokes

Acting Secretary.

To the Secretary to Government, Revenue Department,
with four enclosures to be returned.

Copy to the Collector of Kurnool.
" to the Collector of Bellary.
" to the Collector of Cuddapah.

Exd. J. W Fischer.

Rec'd 24 May 1875
No 2034

Board of Revenue,
MADRAS.

1875.

No 838

Govt
Revenue
Canal

Proceedings, 14th May 1875, No. 1,281.

Read a letter from
Collr of Kurnool
dated 4 Encls
Dated 20th May.

Received 24th May.

MAY.
No. 1,281.

Distribution of water from the Madras Irrigation and Canal Company's Canal.—Letter from Collector of Kurnool, forwarding, for orders, copies of correspondence between himself and the Chief Engineer regarding the interpretation to be put on Clause 7 of Rule VI. of the Rules sanctioned in Government Order, 3rd July 1874, No. 830, for —, submitted to Government. Opinion of Collector that a monthly rate is to be charged for the period during which water is taken concurred in.

Read the Collr of Kurnool's letter
No 838 dated 20th May 1875—
and the Board's order
thereon