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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Reference DEPARTMENT

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3259/1

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

17th November 1877, No. 3,259.

Read the following paper :—

No. 167. Proceedings of the Board of Revenue, dated 14th September 1877, No. 4,283.

Read the following Proceedings of the Madras Government, dated 9th June 1877, No. 1,930, Revenue Department.

ABSTRACT.—*Polaveram Island Embankment.*—Communicating to the Board of Revenue, for report on the points indicated, letter from the Government of India on the subject of providing funds for the — by Legislation on the principle of the Bengal Embankment Act VI of 1873.

THE Board are of opinion that no sufficient cause exists for a separate Act to regulate the embankment of rivers, questions of contribution as between Government and Zemindars on account of protective works executed by the former for common benefit being of very rare occurrence owing to the fact that in this Presidency unlike Bengal the bulk of the land is held under ryotwari tenure, and the Government have therefore in most cases to provide the necessary protective works at their own cost exclusively. The Polaveram Island Embankment is the only case of this nature which has arisen of late years, and the difficulty in this instance would have been obviated had the Collector arranged with the Gutinadevi Zemindar previously, as he should have done, the contribution to be paid by him, and cannot therefore be regarded as a sufficient indication of a necessity for Legislation. It must be borne in mind that the Zemindar denies that he is benefited by the work to the extent alleged, and if this assertion be correct the application of such an Act could not have thrown upon him any liability in excess of the equitable proportion of the cost which he would probably have consented to bear had negotiation been resorted to at the outset. All such questions should be settled by private arrangement beforehand, and the Board believe that by the exercise of tact on the part of the Collector there will generally be no difficulty in effecting a satisfactory settlement.

2. In regard to paragraph 2 of the letter of the Government of India, the Board observe that the whole sum of Rupees 14,677 does not depend on the G.O., 1st July 1875, No. 1,832, P.W.D. works. Of this amount only Rupees 11,025 represent the assessment of lands within the embankment, and of this again Rupees 2,992 is the assessment of unoccupied lands. It is questionable whether the whole of the unoccupied land will be cultivated when the embankment is completed. The Collector will be requested to report what portion of the unoccupied land is likely to be brought under cultivation, and what amount of remission will be saved on the occupied land when the work is completed. He should also state what progress has been made with the work.

(True Extract.)

(Signed) C. A. GALTON,
for Acting Sub-Secretary.

No. 168.

No. 169. ORDER THEREON, 17th November 1877, No. 3,259.

Irrigation No. 3.

THE Governor in Council concurs with the Board, and the Government of India will be answered accordingly.

2. The further report called for in paragraph 2 should be submitted in due course.

(True Extract.)

(Signed) C. G. MASTER,
Secretary to Government.

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

Exd. F. R. Bantleman.

3259/2

No. 4,283.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th September 1877.

Read the following Proceedings of the Madras Government, dated 9th June 1877, No. 1,930, Revenue Department:—

ABSTRACT.—*Polaveram Island Embankment.*—Communicating to the Board of Revenue, for report on the points indicated, letter from the Government of India on the subject of providing funds for the — by legislation on the principle of the Bengal Embankment Act VI of 1873.

THE Board are of opinion that no sufficient cause exists for a separate Act to regulate the embankment of rivers, questions of contribution as between Government and Zemindars on account of protective works executed by the former for common benefit being of very rare occurrence owing to the fact that in this Presidency unlike Bengal the bulk of the land is held under Ryotwari tenure, and the Government have therefore in most cases to provide the necessary protective works at their own cost exclusively. The Polaveram Island Embankment is the only case of this nature which has arisen of late years, and the difficulty in this instance would have been obviated had the Collector arranged with the Gutinadevi Zemindar previously, as he should have done, the contribution to be paid by him, and cannot therefore be regarded as a sufficient indication of a necessity for legislation. It must be borne in mind that the Zemindar denies that he is benefited by the work to the extent alleged, and if this assertion be correct the application of such an Act could not have thrown upon him any liability in excess of the equitable proportion of the cost which he would probably have consented to bear had negotiation been resorted to at the outset. All such questions should be settled by private arrangement beforehand, and the Board believe that by the exercise of tact on the part of the Collector there will generally be no difficulty in effecting a satisfactory settlement.

2. In regard to paragraph 2 of the letter of the Government of India, the Board observe that the whole sum of Rupees 14,677 does not depend on the works. Of this amount only Rupees 11,025 represent the assessment of lands within the embankment, and of this again Rupees 2,992 is the assessment of unoccupied lands. It is questionable whether the whole of the unoccupied land will be cultivated when the embankment is completed. The Collector will be requested to report what portion of the unoccupied land is likely to be brought under cultivation and what amount of remission will be saved on the occupied land when the work is completed. He should also state what progress has been made with the work.

G.O., 1st July 1875, No. 1,832, P.W.D.

(A true Extract.)

for Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.
" Collector of the Godavery District, with copy of Government Order.

Exd. W. J. Lewis.

Rec'd 1877. Dyfart
Board of Revenue,
MADRAS.
No. 4293 E

PROCEEDINGS, 14TH SEPT. 1877, No. 4,283.

Encl.

Rep? P Duffy.

Received

Read

8-9-W.W. 1877.

SEPTEMBER.

No. 4,283.

Embankment of Rivers.—Expressing opinion that no sufficient cause exists for a separate Act to regulate the —, owners as of contribution as between Government and Zemindars on account of protective works executed by the former for common benefit being of very rare occurrence, and requesting Collector of Godavery to report on certain points regarding Polaveram Island Embankment.

N° 167

Minute by the Honorable Sir W. ROBINSON, K.C.S.I.,

I am unable to agree with the Board of Revenue.

2. It has long been my conviction that this Presidency—where public and private interests in respect to irrigation and drainage are so extended and often complicated—is in much need of carefully-prepared legislation for the regulation and improvement of both; and for the apportionment of the cost of needful measures of repair and administration.

3. I am satisfied that much unreasonable expense and responsibility are now thrown on the Government in respect to village and communal tanks, channels and irrigated land held on ryotwari tenure, which should be *shared* by the people; that many public improvements are impeded, channel clearances neglected, and much harm done by the impotence of public officers to inaugurate and carry through works of obvious utility at the joint expense of the State and land-owners, or at the exclusive cost of the latter. The common and ancient customary law of the country required the people to maintain their tanks either by customary labor or other means (*meraha*) and to keep the channels efficient; the Government merely contributing in proportion to the interest in the crop. Now the State assumes the burden of the whole cost of maintenance, and mulcts itself by full remission for failure of water. The means of commuting these obligations is urgently called for. In many parts of the country a majority of the people interested are willing to contribute a cess for channel clearances, but these arrangements cannot be carried out in absence of the means of coercing the recusant minority.

4. I therefore see with regret a disinclination on the part of the Board of Revenue to take up the matter and legislate in a comprehensive manner.

5. This matter was discussed in my Minute appended to the Public Works Commission of 1869.

W. ROBINSON.

1st November 1877.

No. 168. Minute by the Honorable Sir W. ROBINSON, K.C.S.I.,

I am unable to agree with the Board of Revenue.

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3. I am satisfied that much unreasonable expense and responsibility are now thrown on the Government in respect to village and communal tanks, channels and irrigated land held on ryotwari tenure which should be *shared* by the people; that many public improvements are impeded, channel clearances neglected, and much harm done by the impotence of public officers to inaugurate and carry through works of obvious utility at the joint expense of the State and land-owners, or at the exclusive cost of the latter. The common and ancient customary law of the country required the people to maintain their tanks either by customary labor (*merahs*) or other means and to keep the channels efficient, the Government merely contributing in proportion to the interest in the crop. Now the State assumes the burden of the whole cost and mulcts itself by full remission for failure of water. The means of commuting these obligations is eminent called for. In many parts of the country a majority of the people interested are willing to contribute a cess for channel clearances, but these arrangements cannot be carried out in absence of the means of coercing the recusant minority.

4. I therefore see with regret a disinclination on the part of the Board of Revenue to take up the matter and legislate in a comprehensive manner.

5. This matter was discussed in my Minute appended to the Public Works Commission of 1869.

W. ROBINSON,

1st November 1877.

G.O. No. 3259. 9/17 Nov. 1877

No. 168. Minute by the Honorable Sir W. ROBINSON, K.C.S.I., dated 1st November 1877.

I do not agree with the Board of Revenue.

2. It has long been my conviction that this Presidency—where public and private interests in respect to irrigation and drainage are so extended and often complicated—is in much need of carefully-prepared legislation for the regulation and improvement of both and for the apportionment of the cost of needful measures of administration, &c., &c.,

3. I am satisfied that much expense and responsibility are now thrown on the Government in respect to village and communal tanks, channels, and irrigated land held on ryotwari tenure which should be *shared* by the people; that many public improvements are impeded, channel clearances neglected, and much harm done by the impotence of public officers to inaugurate and carry through work of obvious utility at the joint expense of the State and land-owners or at the exclusive cost of the latter.

4. I therefore see with regret a disinclination on the part of the Board of Revenue to take up the matter and legislate in a comprehensive manner.

5. This matter was discussed in my Minute appended to the Public Works Commission of 1869.

W. ROBINSON.

G.O. No 3259 dt 17 Nov 1877.

REVENUE DEPARTMENT.

No. 4293

3259/9

From Revenue Board

Dated 11 Sept. 1877.

Minute

1 I do not agree with the Board of Revenue.

2 It has long been my conviction that this Presidency – where public and private interests in respect to irrigation and drainage are so extended & often complicated – is in much need of carefully prepared legislation for the regulation and improvement of both and for the apportionment of the cost of needful measures of administration &c &c.

3 I am satisfied that much expense and responsibility are thrown on the Government in respect

NSW

Record that

P.C. No 3259 Dy 17 Nov 1877.

REVENUE DEPARTMENT.

No. 4293

3259/a

From Revenue Board

Dated 14 Sept. 1877.

FOR ORDERS.

Land irrigated land held on Ryotwary tenure

to Village and Communal tanks, channels &c which should be shared by the people; that public in proportion are impeded, & much harm done by the impotence of public Officers to inaugurate and carry through work of obvious utility at the point of either of the Ryots & Landowners or at the expense of the latter.

2. I therefore forward with the accompanying report a despatch addressed to the Board of Revenue and request that you will take up the matter and legislate in a comprehensive manner.

I have &c

H. D. Robinson

3. This matter was discussed in the Board's Minute appended to the Proceedings of 1866

Records that

to the change of em-

bankments and

P.C. No 3259 Dt 17 Nov 1877.

P.C. No. 3259 Dt 17 Nov 1877.

In G. C. 17 November 1877
No 3259

N° 168

3 fair copies sent 4-12-77.

REVENUE DEPARTMENT.

No. 4293

3259/9

From Revenue Board

Dated 14 Sept. 1877.

FOR ORDERS.

The Board depre-
cate legislation simi-
lar to that in force in
Bengal (Act VI of 1873)
for the better construc-
tion, maintenance, &
management of em-
bankments & water-
courses.

Sir W. Robinson, in
a note on the Kondak-
kalva project in
Vizag, remarked, if
I remember rightly,
that some such law
would be extremely
useful.

It is submitted
that if the officers
of Govt had power
to take charge of em-
bankments and

× papers now in circulation

I concur in opinion
of the Bd of Rev. that
legislation is unnecessary
& undesirable. Subject
to the Governor
in Council it has been
always decided that

water-courses neces-
sary for the protec-
tion or drainage
of the neighbouring
country - to re-
move embankments
& obstructions - to
improve drainage -
to construct water-
courses - and to set-
tle irrigation dis-
putes (Regulation
XII of 1816 being prac-
tically obsolete),
much good might
be accomplished,
public improve-
ments more rapidly
effected, and
litigation averted.

C.C.

I retain the opinion
that legislation for the
regulation of irrigation
in this country is emi-
nently needful.

beyond the prop. W. eastern
made by the [illegible]
Estate no further [illegible]
from private proprietary
is claimable by Govt.

The Rules. Suggestion
might be dealt with
separately. but have
lost sight of the
need for further legisl.

[illegible]

My present impression
is that the law is
sufficient to do or
prohibit all that [illegible]
such action -

The tendency of legislation
such as suggested would
be to lessen the
responsibility. [illegible]

22/9
10

There really intended
of landowners
and to increase the
responsibility - liability
& expense of Govt -
which is I think a
false principle of
administration

[illegible] 2/9/10

See separate mi-
-nute
22/10 [illegible]

No 4293

FOR ORDERS.

Act regulating the [illegible]
= ment of Rivers &c

R.C. 1 Nov/77 - R. 2/11/77
C. 12 Nov/77 R 29/10/77 R.C. 30-10-77 R 4/11/77

Sanctioned 13

R.D.

No 3259.

Proceedings of the Madras Government

Under date the 17 November 1877.

Read the following Proceedings of the Board of Revenue, dated 14 September 1877, No 4283, expressing opinion that no sufficient cause exists for a separate Act to regulate the Embankment of rivers, questions of contribution as between Govt and Zemindars on account of protective works executed by the former for common benefit being of very rare occurrence &c &c &c.

Seen 7/11 GSA

Copy

1. The Governor in Council concurs with the Board, and the

the Govt of India will

be answered accordingly.

2. The further report

called for in para 2 should

be submitted in due course.

14 Forwg Reference 22-11-)
21 " P. W. Dept

3259/12

7°/4

(5) S.O

A separate Act to Regulate the embankment of Rivers &c

Council

Boston

Circ

Rec'd 11/5/71 R. 11-11-71 167-69