Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2759

DATED 29th June

[Despatch Abstract.]

Requesting the Board of Rev to instruct the Collector of Coimbatore to alter, in the manner indicated, the wording of the notification issued in the District Gazette of the 3. March '98 regarding injuries done by ryots to irrigation sluices &c in the Dt.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

O/18 4,000—19-7-97.

Revenue (1898) Department.

CURRENT No.

Memo.
From
The Legislative Dept.

Order

No. 1058.

Dated 6 May
Received 6 "
Registered 6 "
Enclosures 1 (2 copies).
Spare copies.

SUBJECT.

Forwarding to the Rev. Dept. for favour of the preparation of a draft answer with a note &c., a copy of questions Nos. VII, IX, XIII and XIV, which will probably be put at the next Legislative Council meeting by the Hon'ble P. Ratnasabapathi Pillai Avl.

BACK PAPERS.

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

GOVERNMENT OF FORT ST. GEORGE.

LEGISLATIVE DEPARTMENT.

QUESTIONS proposed to be asked at the Meeting of the Legislative Council to be held on the 13th May 1898 by the Honourable P. Ratnasabhapathi Pillai.

Revenue
~~Public Works~~ Department.

VII ~~1~~ 7 (*a*). Has the attention of Government been drawn to the following notification of the Collector of Coimbatore published in the *District Gazette*, dated 5th March 1898, and have the terms of the notification the entire approval of Government? Rev. D

NOTIFICATION.

1. " It has been brought to the notice of the Collector that there is a tendency on the part of the ryots to interfere with the arrangements made by Government for the proper distribution of water from channels and tanks, by causing injuries to sluices, regulators or dams provided for the regulation of water from irrigation works in this district, with the object of obtaining an unfair supply of water for their fields. The subject has recently been considered by Government which has passed orders declaring that in cases where such damages has been caused, penal assessment should be levied upon all the lands benefited by the damage done."

2. "The public are therefore warned that persons who receive 'an unusual supply' of water to their lands in consequence of damage done to sluices, regulators or dams, will be held to have participated in causing such damage, and will be punished by the imposition of heavy penal rates upon their lands."

3. " Village officers are responsible for seeing that sluices are in good order, and cases of interference must be promptly brought to notice in order that the offenders, if known, may be prosecuted. Village officers will publish this notice by beat of tom-tom in their villages."

(*b*). In ~~view of the fact that the notification subjects the guilty and innocent parties alike to punishment,~~ will Government be pleased to cause a revision of ~~its~~ the terms, in order that persons who are not responsible for the mischief directly or indirectly, may be safe, ~~and that actual mischief-doers alone traced and punished?~~

(*c*). Is there any authorized scale for the levy of penal assessments, and if not, will Government be pleased to frame one, with due regard to the gravity of the mischief, and the benefit resulting to the mischief-doer?

XI (*a*). Whether the system of recruitment to the Subordinate Accounts Branch of the D. P. W. instituted by the Government of India, and the probationary training prescribed therein have been carried out in this Presidency?

(*b*). How many vacancies occurred in the Accounts Establishment since the issue of orders by the Government of India on the system of recruitment, and in how many instances the India Government order was complied with, and in how many instances was it departed from?

GOVERNMENT OF FORT ST. GEORGE.

LEGISLATIVE DEPARTMENT.

QUESTIONS proposed to be asked at the Meeting of the Legislative Council to be held on the 13th May 1898 by the Honourable P. Ratnasabhapathi Pillai.

~~Public Works~~ Revenue *Department.*

VII ~~I~~ (*a*). Has the attention of Government been drawn to the following notification of the Collector of Coimbatore published in the *District Gazette*, dated 5th March 1898, and have the terms of the notification the entire approval of Government?

NOTIFICATION.

1. "It has been brought to the notice of the Collector that there is a tendency on the part of the ryots to interfere with the arrangements made by Government for the proper distribution of water from channels and tanks, by causing injuries to sluices, regulators or dams provided for the regulation of water from irrigation works in this district, with the object of obtaining an unfair supply of water for their fields. The subject has recently been considered by Government which has passed orders declaring that in cases where such damages has been caused, penal assessment should be levied upon all the lands benefited by the damage done."

2. "The public are therefore warned that persons who receive 'an unusual supply' of water to their lands in consequence of damage done to sluices, regulators or dams, will be held to have participated in causing such damage, and will be punished by the imposition of heavy penal rates upon their lands."

3. "Village officers are responsible for seeing that sluices are in good order, and cases of interference must be promptly brought to notice in order that the offenders, if known, may be prosecuted. Village officers will publish this notice by beat of tom-tom in their villages."

(*b*). ~~In view of the fact that the notification subjects the guilty and innocent parties alike to punishment,~~ will Government be pleased to cause a revision of ~~its~~ the terms of the Notifn. ~~terms~~ in order that persons who are not responsible for the mischief directly or indirectly, may be safe, and that actual mischief-doers alone traced and punished?

(*c*). Is there any authorized scale for the levy of penal assessments, and if not, will Government be pleased to frame one, with due regard to the gravity of the mischief, and the benefit resulting to the mischief-doer?

XI (*a*). Whether the system of recruitment to the Subordinate Accounts Branch of the D. P. W. instituted by the Government of India, and the probationary training prescribed therein have been carried out in this Presidency?

(*b*). How many vacancies occurred in the Accounts Establishment since the issue of orders by the Government of India on the system of recruitment, and in how many instances the India Government order was complied with, and in how many instances was it departed from?

250—8-11-97

VERY URGENT.

LEGISLATIVE DEPARTMENT.

Memorandum. 1058

THE accompanying copy of a question * which will probably be put at the meeting of the Legislative Council to be held on the 13th instant is forwarded to the Revenue Department for favour of the preparation of a draft answer with a note of such other information as may be deemed necessary.

It is requested that the draft answer may be forwarded so as to reach the undersigned before 5 pm on Monday the 9th instant

* Question No VII, IX, XIII, & XIV ~~of the Hon'ble~~

Ootacamund
~~FORT ST. GEORGE,~~
6th May 1898.

H Tremenheere
Secretary to Government.

To
The Revenue Department.

P.S.—It is requested that the draft answers together with the notes, if any, may be written only on one side of the paper.

VERY URGENT.

16

NOTICE.

D. P. No. 28, Press, dated 31st January 1898, communicating G. O. No. 266 Mis., dated 17th January 1898.

It has been brought to the notice of the Collector that there is a tendency on the part of the ryots to interfere with the arrangements made by Goverment for the proper distribution of water from channels and tanks, by causing injuries to sluices, regulators or dams provided for the regulation of water from irrigation works in this District with the object of obtaining an unfair supply of water for their fields. The subject has recently been considered by Government which has passed orders declaring that in cases where such damage has been caused, penal assessment should be levied upon all the lands benefited by the damage done.

2. The public are therefore warned that persons who receive an unusual supply of water to their lands in consequence of damage done to sluices, regulators or dams will be held to have participated in causing such damage and will be punished by the imposition of heavy penal rates upon their lands.

3. Village Officers are responsible for seeing that sluices are in good order and cases of interference must be promptly brought to notice in order that the offenders, if known, may be prosecuted. Village officers will publish this notice by beat of tom-tom in their villages.

Coimbatore Collector's Office,
10th February 1898.

(Sd.) A. BUTTERWORTH,
Ag. Collector.

17

CIRCULAR.

The Magisterial Standing Circular, dated 23rd July 1887, as amended by Circular No. 72*/Magte. of 1891, dated 17th August 1891, regarding feeding charges of impounded cattle and commission to be paid to pound keepers, will be revised and republished as follows:—

2. Referring to para 20 of the new rules for the audit of Special Fund accounts, it is hereby notified for the information and guidance of all Taluk Magistrates and Pound keepers that the following will, in future, be the scale of feeding charges for cattle impounded in the cattle pounds of this district.

Animal.	*Rate per day.* Rs.	As.	P.	
Elephant	1	0	0	If the animal is in the pound for less than 6 hours half the usual rates.
Camel or buffalo	0	4	0	
Horse, mare, gelding, Pony, colt, filly, mule, Bullock, Cow or Heifer...... ...	0	2	0	
Calf, Ass or Pig	0	1	0	
Ram, ewe, Sheep. Lamb, goat or kid... ...	0	0	6	

3. It should be remembered that no charge should be made for feeding unless actually incurred. *Vide* Rule 20 of the Special Fund Rules and para 12, clause 3, at page 73 of the Village Officers' manual. Tahsildars should satisfy themselves that this rule is observed by enquiries during their tours.

4. With reference to Board's Standing Order No. 95, commission to Pound keepers should uniformly be calculated on the following scale throughout the District, and Taluk Magistrates will see that the fixed scale is never exceeded:—

(*a*) Fifty per cent. of the collections in the Pound subject to the condition of the maximum commission in a month not exceeding Rs. 5.

(*b*) If the total collections in a month are less than a Rupee, the whole of the amount collected *minus* what is due to the sweeper will be made over to the pound-keeper as his commission.

(*c*) If the total collections in a month are either one Rupee or more than a Rupee but less than 2 Rupees, the remuneration of the pound-keeper will be one Rupee.

In regard to inferior servants for cleaning the pounds or tending the cattle the remuneration will be one anna for every eight annas of the fines collected in a month, subject to a maximum of Rupees 2 per mensem. But, wherever practicable, the Taluk Magistrates should try and avoid this kind of payment, introducing, in its place, the system of handing over the manure in such cases, by way of remuneration.

(Signed.) A. BUTTERWORTH,
Ag. District Magistrate.

Coimbatore Dt. Magte's. Office,
2nd February 1898.

8. Licenses in Form XII appended to the Revised Rules under the Arms Act may be granted to contractors, cultivators, and other persons without payment of any fee, if they desire to possess and transport gunpowder and fuses in reasonable quantities or to transport dynamite, blasting gelatine and detonating caps in reasonable quantities when the same are proved to be required for *bona fide* blasting purposes. For this purpose applications with a one-anna adhesive stamp affixed should be presented to the Taluk Magistrates who will make the necessary enquiry, and, if satisfied, will submit to the District Magistrate draft licenses for seal and signature. Similar applications, if presented direct to the District Magistrate, will not be complied with at once, but will be sent to Taluk Magistrates for enquiry and preparation of draft licenses.

9. Taluk Magistrates and Sub-Magistrates should not issue temporary licenses permitting licensees in Forms VII, A, B and C, to carry on their business pending the renewal of their licenses. This temporary license will, if necessary, be issued by the District Magistrate.

Coimbatore Dt. Magte's Office,
2nd February 1898.

(Sd.) A. BUTTERWORTH,
Acting District Magistrate.

Printed by the Superintendent, at the Collectorate Press—Coimbatore.

The Hon'ble P. Ratnasabhapati Pillai:—

XIV (*a*). Has the attention of Government been drawn to the following notification of the Collector of Coimbatore published in the *District Gazette*, dated 5th March 1898, and have the terms of the notification the entire approval of Government?

Notification.

1. "It has been brought to the notice of the Collector that there is a tendency on the part of the ryots to interfere with the arrangements made by Government for the proper distribution of water from channels and tanks, by causing injuries to sluices, regulators or dams provided for the regulation of water from irrigation works in this district, with the object of obtaining an unfair supply of water for their fields. The subject has recently been considered by Government which has passed orders declaring that in cases where such damages has been caused, penal assessment should be levied upon all the lands benefited by the damage done."

2. "The public are therefore warned that persons who receive 'an unusual supply' of water ~~to their lands~~ in consequence of damage done to sluices, regulators or dams, will be held to have participated in causing ~~such damage~~, and will be punished by the imposition of heavy penal rates ~~upon their lands~~."

3. "Village officers are responsible for seeing that sluices are in good order, and cases of interference must be promptly brought to notice in order that the offenders, if known, may be prosecuted. Village officers will publish this notice by beat of tom-tom in their villages."

(*b*). Will Government be pleased to cause a revision of the terms of the notification in order that persons who are not responsible for the mischief directly or indirectly, may be safe?

(*c*). Is there any authorized scale for the levy of penal assessments, and if not, will Government be pleased to frame one, with due regard to the gravity of the mischief, and the benefit resulting to the mischief-doer?

The Hon'ble Mr.

XIV (*a*). The Government has seen the notification referred to which was issued in pursuance of its orders.

(*b*). These orders were issued as cases of mischief of this kind were becoming very general in Coimbatore and as it was found impossible to detect or trace the actual offenders. The presumption is that these whose lands are benefited by the damage are responsible for the damage. It will be open to any person to adduce evidence to satisfy the Collector to the contrary. In order to make the intention more clear, the words "unless and until the contrary is proved" will be inserted after the words "will be held" in paragraph 2 of the notification.

(*c*). The Government has not laid down any fixed scale for the levy of penal assessments and does not propose to do so. The matter is one which must be left to the discretion of the local authorities subject to appeal to superior authority.

Question VII - proposed to be asked by the Hon. P. Ratnasabhapathi Pillai - at the next meeting of the Legislative Dept.

To Secretary.

The Notification referred to in the question appears to have been based on

flag H.

G.o. 266 mis dated 17 January '98. This and the previous papers on the subject were put up with an Irrigation Dept. file regarding irrigation duty for water and the file was transferred to that Dept. The whole file being now at Madras a telegram was despatched on the 7th instant for the return of the papers. They have not come ~~neither the yesterday's~~ yet ~~nor this morning's tappal brought the papers up.~~

~~Orders are solicited~~ The draft reply should reach the Leg. Dept before 5 P.m. today, ~~if it is to~~

~~Orders are requested whether this evening's tappal may be awaited~~ ~~omitted~~

The following draft

Submitted

(a) The Govt has now perused the notification referred to by the H-M.

(b) & (c) The Govt is not in a position to give a complete reply to questions (b) & (c) owing to the papers relating to the subject having been sent down to Madras. ~~The Hon Member~~

RS
9-5-98

C 1075/98

Question VII proposed to be asked by the Hon. P. Ratnasabapathi Pillai at the next meeting of the Legislative Council.

To Secretary

VII (a) Please see note under G.O. 266 17-1-98 which fully explains the case. The notification appears to have been authorized by the Board under this G.O.

(b) The Legislative Dept has been requested to have the form of this question modified. It has been found impossible to trace the actual mischief done.

(c) No Scale has been sanctioned by Govt.

RS
9-5-98

Secy

The question has been finally admitted as altered in red ink.

The following draft answer is submi

P.T.O.

(a) The Govt has seen* the notification referred to which was issued ~~under its~~ in pursuance of its orders.

(b) These orders were issued as ^cases of mischief of this kind were becoming very general in Coimbatore &c as it was found impossible to detect or trace the actual offenders. The presumption ~~certainly~~ is that those whose lands are benefited by the damage are responsible for ~~having~~ causing the damage. It will be open to any person to adduce evidence to satisfy the Collector to the contrary. ~~The Govt therefore sees no reason to modify the notifcn.~~

(c) ~~The~~ Govt ~~no scale~~ has ^not laid down ~~no fixed~~ ~~authorised~~ scale for the levy of penal assessments & does not propose to do so. The matter is one which must be left to the discretion of the local authorities subject to appeal to ~~the higher~~ superior authority.

Mlle
10-5-98

* District Gazettes are forwarded to the Govt but may they be [illegible] presumed to be seen by Govt:?

In order to make the intention more clear, the words "unless & until the contrary is proved" will be inserted after the words "will be held" in para 2 of the Notifn.

S.H.
11/5

Seen [illegible] 1898

H.E./ The proposed answer may be given but para 2 of the Notifn might more appropriately have run "will be held, unless & until the contrary is proved ..."

S.H. 10.5.98

...ance ... proposed
... by the Governor

Read again G.O. no $\frac{266}{17\text{-}1\text{-}98}$ R.

Read notification issued ~~by~~ in the ... Coimbatore dist Gazette of the ... March 1898 by the Collector of Coimbatore with reference to the aforesaid G.O. of Sey ... 17th Jany.

G.O. Mis

H.E. the Govr. having perused the notification read above considers that para 2 of it shd be amended as to read as follows,

"2. The public are therefore warned that the lands which receive ^surreptitiously an ~~undue~~ supply of water in consequence of damage done to sluices regulators or dams will be held liable to the imposition of heavy penal rates."

~~Mlle~~
10-5-98

The Board of Rev. will instruct the Collr. of Coimbatore accordingly.

S.H. 20/5/98

I would approve of the form: as drafted by the Sec. where it ...

23/5/98

Read Question XIV asked by the Hon. P. Ratnasabhapati Pillai and the answer given thereto at the meeting of the Legislative Council held on the 13th May 1898.

G.O. Mis.

The Board of Revenue will be requested to ~~issue the necessary instructions to~~ ~~the Collector~~ ^of ~~Coimbatore to recast the~~ para 2 of the ~~notification in the manner~~ ~~so as to read~~ ~~as follows~~: ~~indicated in the answer~~ to clause (b) of the question ~~inserting the words~~ ~~"unless & until the contrary is proved" after the words "will be held" in paragraph 2 of the notification~~

Mlle
19/5/98

To the Bd of Rev (L. R).

not that the answer to the question distinctly promised that the words, "unless & until the contrary is proved," should be inserted after the words, "will be held". As it is, I think the Draft had better be, "The public are therefore warned that if fields receive [illegible] an undue supply of water, the persons who own or cultivate the fields will be held, unless & until the contrary is proved, to have participated in causing such damage & a heavy penal rate will be imposed on the fields."

The Bd of Rev &c

JG
25/5/98

Secy

The H.M. has been misled by an erroneous copy of the answer given to the Question. The paper Flagged X contains the Answer as drafted in the Office & preliminarily approved by the H.M. In council however the answer was modified. Vide the corrected copy flagged Y

Printed [illegible]
[illegible]/6/98.

Flagged X

Under these circumstances I approve of the Sec's Draft.

JG
6/6/98

[illegible] Sec's Draft [illegible] the terms

that the words, "unless and until [illegible]

[illegible]

to the Council. But, the [illegible] words

is present. for it is said [illegible]

"be open to any person to adduce evidence

"to satisfy the Collector of the contrary [illegible]

Flag X

order to make the intention clearer, the

[illegible] It was

evidently intended in receiving [illegible]

[illegible] that it is [illegible]

to prove that they Flag Y

[illegible] concerned in the mischief

[illegible] This point is not set [illegible]

[illegible] although [illegible]

[illegible] The

adopting that Draft I would [illegible]

the words, " and a heavy penal rate [illegible]

[illegible] found on the fields", the words,

[illegible] the imposition [illegible]

a heavy [illegible]

meeting of the Legislative Council was not to the effect that "in order to make the notification more clear, the words "unless & until the contrary is proved" will be inserted after the words "will be held" in para 2 of the notifcn but simply that "in order to make the intention more clear the notification will be recast."

The erroneous copy Flag X was kept in the file by mistake. It got there as the ag Secy ~~Draft~~ ~~the recasted notifcn~~ had indicated on it the manner in which the notifcn might be recast.

26.6.98

H.M.

Under the circumstances does the Hon. Mem. adhere to the above note.

[illegible]/98.

(a) Submitted also to H.E. The Govr.

9/6/98.

(b) Secy.

The draft submitted follows H.E.'s present note

28/6/98

Issue 29/6/98

(c)

Read again G.O. No $\frac{266}{17-1-98}$ R

Read notification issued in the Coimbatore Dt Gazette of the 5th March 1898 by the Collector of Coimbatore with reference to the aforesaid G.O.

G.O. Mis No. 2759 d/29th June 98.

H.E. the Govern Council having perused notification read above considers that para 2 of it should be amended so as to read as follows:—

"2. The public are therefore warned that if fields receive surreptitiously an undue supply of water, the persons who own or cultivate the fields will be held, unless and until the contrary is proved, to have participated in causing such damage, and will be liable to the imposition of a heavy penal rate on their fields."

The Board of Revenue will

He will instruct the Collector of Coimbatore accordingly.

RS 27-6-98

29.6.98

29/6/98

To the Bd of Rev (L.R)

1/7/98

(1/ ... or copying

(2/ The ... ed ... 189

... si

Re

... DAIN G ... DATED

189

Res

4

5

6 ... ENT No.

A

4

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.							
STATEMENT WITH DITTO.							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

N.B.—

A = Copy in full.

B = Not to be copied.

P = Copy abstract only.

Q = Copy heading only.