

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4904

DATED 12th December 98

[Despatch Abstract.]

Communicating Pres. of the P. W. Dept. considering that the ruka from the Resident to the Minister at Hyderabad N^o 1952, dated 29th Oct. 1861, does not convey the consent of this to the stipulation referred to, viz. that a sufficient flow of water should be allowed to Rajoli and other villages in his Highness the Nizam's territory; observing that the claims made for water the share in the ~~last~~ ^{last} ~~last~~ ^{last} Kesala Amlat or for paying compensation cannot be admitted, and that no further claim is justly ten- and directing that the Resident at Hyderabad be informed accordingly.

BACK PAPERS.

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

FURTHER PAPERS.

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

IRRIGATION.

Government (1898) of Madras. PUBLIC WORKS.

Current No 818

Recd. }
Regd. } 30/11 } 1898.

Enclosures

Spare copies

G.O., No. 881 I., 10th November 1898.

NOVEMBER.

Cur No 4902 8/12/12
Communicated to the
Board of Revenue.

[Signature]
He
10/11/98

17 To the Board of Revenue (Rev. Secy)

Sunkesala Anicut

Considering that the *ruka* from the Resident to the Minister at Hyderabad, No. 1982, dated 28th October 1861, does not convey the consent of this Government to the stipulation referred to, viz., that a sufficient flow of water should be allowed to Rajooli and other villages in His Highness the Nizam's territory; observing that the claims made for enlarging the sluice in the — or for paying compensation cannot be admitted, and that no further claim is justly tenable; and directing that the Resident at Hyderabad be informed accordingly.

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10/11/98

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

Irrigation.

READ—the following papers:—

From the Resident at Hyderabad, to the Chief Secretary to the Government of Madras, dated Hyderabad, 3rd June 1898, No. 3443.

I have the honour to refer to your letter, No. 137-R., dated the 22nd May 1895, regarding the claims of the Rajah of Gadwal in connection with the construction of the Sunkesala anicut.

2. I now enclose, for the information of the Governor in Council, a copy of a letter on the subject, No. 704, dated the 15th May 1898, from His Highness the Nizam's Minister. It will be seen that claims (c), (f) and (g) are the only ones left open. The views of His Highness' Government of the matter will doubtless receive the consideration of His Excellency the Governor in Council.

ENCLOSURE.

From His Highness the Nizam's Minister, Hyderabad, to the Resident at Hyderabad, dated the 15th May 1898, No. 704.

Will you kindly refer to correspondence ending with your letter, No. 2218, dated 30th November 1897, regarding the claim of the Rajah of Gadwal for compensation connected with the Kurnool canal.

2. The papers were referred to the Subadar for report after local enquiry by a joint committee consisting of officers of both Governments. This committee was constituted as follows:—

For the Madras Government.

- (1) Mr. C. M. Mullaly, Collector of Kurnool.
- (2) Colonel Rawson, R.E.
- (3) Mr. A. C. Pereira.

For His Highness' Government.

- (1) Nawab Rafat Yar Jung Bahadur, Subadar of Gulburgah.
- (2) Mir Liakat Ali, Talukdar of Raichur.
- (3) Mr. C. Dunhill, Irrigation Engineer.

For the Rajah.

The Rajah in person with two Agents.

3. The Committee has disposed of certain of the questions in dispute, and other matters remain unsettled as will be seen below.

The claims are ten in number and consist of—

(a) Compensation for 69 bighas of land taken from the Rajah in 1861. This claim will be disposed of by His Highness' Government and need not be referred to here in detail.

(b) Compensation for certain other lands which have been destroyed by digging pits. This claim has been settled by joint consent, the Madras Government having agreed to give the Rajah certain plots of land as compensation for the excess land occupied by the canal, and the Rajah having agreed to receive the same.

(c) Water for irrigation has been cut off by 24 moats in the Rajah's village of Rajooli. This claim is in reality connected with two other claims, viz., (f) and (g), the first of which is that the sluice should be enlarged and the channel be cleared, so as to allow a sufficient flow of water to the moats in future, and the second that compensation should be given for the loss caused by rendering the wells useless in the past. On all these points, the Madras Government have declined to allow the claim on the ground that "Government cannot recognize any obligation to alter the conditions agreed to when the works were constructed by the Madras Irrigation Canal Company." These in reality are the only points on which His Highness' Government

feel constrained to differ from the decision of the Madras Government and for the following reasons:—

His Highness' Government concur in the opinion of the Madras Government that the original conditions, under which the land was made over, should not be altered, but on a reference to the correspondence which preceded the making over of the land for the purposes of the anicut, an express stipulation was made by Sir Salar Jung that a sufficient flow of water should be allowed to Rajooli and other villages. To this stipulation the Madras Government gave their consent, as intimated by the Resident's letter, No. 1983, dated 19th October 1861. It appears from the Subadar's report, and from that of Mr. Ottman, the Assistant Engineer in charge of the canal, that the present sluice is quite insufficient, and that owing to the channel being silted up, there is no proper flow of water. Further, in his letter No. 709 of 5th December 1885, Mr. Ottman gave a guarantee to the Rajah that the channel should be kept clear. There is, therefore, no question of altering the original conditions under which the land was given to the Canal Company. As a matter of fact, the Madras Government have recognized the necessity for widening the sluice and of keeping the channel open (vide enclosure to Resident's letter, No. 2286 of 23rd July 1886). In paragraph 5 of the Superintending Engineer's letter which formed an enclosure to this letter, dated 22nd March 1886, it is stated that the mouth of the sluice will be widened and the repairs carried out annually. This, however, has not been done, and the consequence is that from year to year the Rajah has suffered loss. It seems, therefore, that either the sluice should be widened so as to give a sufficient flow of water to the Rajah's land and the channel be kept clear, or else that an adequate annual compensation should be given to him for the loss he may sustain. This compensation, His Highness' Government is of opinion, is due from the Canal Company whose interests have been taken over by the Madras Government. The Rajah estimates his loss at Rs. 851 per annum, which for 30 years would amount to the large sum of Rs. 25,530.

(d) This was a claim for compensation on account of the submersion of certain low-lying lands situated behind the north anicut, or up stream. The Madras Government having agreed either to construct certain protective embankments or to hand over the estimated cost of such embankments to the Rajah in settlement of all claims, the Rajah withdrew this claim.

(e) The embankments of the streams mentioned by the Madras Irrigation Canal Company should be restored and compensation paid for loss of revenue past and future.

In the opinion of the Joint Committee and of the Subadar it does not seem that any of the original embankments of streams have been carried away or injured. The settlement of this claim, therefore, will go with that of claim (d).

(f) & (g) The settlement of these two claims has been discussed under the claim (c) and if the suggestions of His Highness' Government are accepted, the three claims will be lumped together.

(h) Compensation for loss caused by erosion in the east island situated below the S. anicut. That a certain amount of loss by erosion has been incurred seems clear, but it is not established—

- (1) what the extent of the loss by erosion has been;
- (2) whether such erosion is greater in extent than would have been caused by ordinary flood water if no anicut had been there; and
- (3) whether there has not been any corresponding accretion as is so often the case in fluvial islands.

Bearing in mind the very changeable nature of all such islands in Indian rivers, and that the floods of each season have, from time immemorial, caused a certain change in their contour, with erosions at one part and corresponding accretions at another, His Highness' Government are of opinion that before a claim for compensation can be established, very clear proof of abnormal damage caused by the erection of the anicut would be necessary. In the absence of this proof His Highness' Government are of opinion that this claim cannot be admitted.

(j) That excavations in the land south of the stop bank which has not been handed over to the Company should be prohibited.

This claim has been settled, the Government of Madras having ordered a demarcation of the canal land, and having prohibited any excavation outside the boundary of the land handed over, except with the Rajah's consent.

(k) That stone be only taken from the bed of the channel and from such localities as will not endanger the villages of Rajooli and the neighbourhood.

This claim has also been settled, and the Joint Commission has decided that no stones should be taken from any place outside the canal lands without the permission of the Rajah.

4. I shall feel obliged if you will kindly now make a further reference to the Madras Government regarding such claims as still remain unsettled.

No. 1285.

Transferred to the Public Works Department.

(Signed) A. R. KNAPP,
Ag. Under Secretary.

10th June 1898.

To the Resident at Hyderabad, dated 22nd July 1898, No. 3230 C.
 From the " " " 13th August 1898, No. 4956.
 To the " " " 13th September 1898, No. 4003 C.
 From the " " " 26th " " " 5727.

ORDER—No. 881 I., dated 10th November 1898.

As observed by the Resident in the first of the letters read above, the only claims left open are those referred to as (c), (f) and (g). These claims as described in the Proceedings of Madras Government, No. 623 I., dated 14th August 1891, are to the effect that water for irrigation has been cut off from Rajooli and other villages by the anicut, and that the sluice in the anicut should be enlarged and the channel leading to it cleared and that compensation should be paid to the Rajah.

It is observed that His Highness the Nizam's Government accept the opinion of this Government that it cannot recognise any obligation to alter the conditions agreed to when the works were constructed by the Madras Irrigation and Canal Company, but submit that in the correspondence which preceded the making over of the land for the purposes of the anicut, an express stipulation was made by Sir Salar Jung that a sufficient flow of water should be allowed to Rajooli and other villages and that the Madras Government assented to this as intimated by the Resident's letter, No. 1983, dated 19th October 1861.

From the reply of the Resident to the reference made to him on the subject, it would appear that no such letter can be traced in the records of the Resident's office, but the Resident forwards a translation of a ruka, No. 1982, dated 28th October 1861.

The Government considers that this ruka does not convey the consent of the Madras Government to the stipulation referred to above, but that what appears to have been consented to was that existing rights should not be interfered with, and the Consulting Engineer to the Irrigation Company says he was not aware of any existing channels (irrigation) below Sunkesala. The village of Rajooli is situated a short distance below the anicut, near the river margin, and at some height above the river. The Government is of opinion that the sluices provided in the anicut and through which a copious supply of water is passed is large enough to supply drinking water, and that the claims made for enlarging the sluice or for paying compensation cannot be admitted and that no further claim is justly tenable.

2. The following letter will be addressed to the Resident at Hyderabad.

[Here enter No. 882 I., dated 10th November 1898.]

(True Extract.)

J. H. M.
 Under Secretary to Government,
 Irrigation Branch.

To the Chief Engineer for Irrigation.
 „ Superintending Engineer, III Circle.
 „ Examiner, Public Works Accounts.
 „ Revenue Department.

20/11/98

Exd. T. K. Narayana Aiyangar.

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READ AGAIN G.O., No.

DATED

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CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

.. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
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