

Ratified by His Excellency the Viceroy and Governor General of India at Simla on the 27th day of August 1872.

(Sd) C. U. AITCHISON,
Secy. to the Govt. of India, Foreign Dept.

No. **XXIX**.

TERMS of AGREEMENT between the BRITISH GOVERNMENT and the STATES of PUTTIALA, JHEEND, and NABHA regarding the Sirhind Canal, executed at Umballa, on the one part, on behalf of the British Government, by MR. GORE OUSELY, COMMISSIONER, UMBALLA DIVISION, duly empowered by HIS EXCELLENCY the VICEROY and GOVERNOR GENERAL of INDIA in COUNCIL; and on the other part, on behalf of the Puttiala State, by KHALIFA SYUD MAHOMED HOSSEIN, MEER MOON-SHEE, duly empowered by HIS HIGHNESS the MAHARAJA of PUTTIALA; and on behalf of the Jheend State, by SIRDAR TUMUND SING and LALLA MOHUR SING, duly empowered by HIS HIGHNESS the RAJA of JHEEND; and on behalf of the NABHA STATE, by MEER MOONSHEE RAMDYAL and SIRDAR BISHEN SING, Adawluttee, duly empowered by HIS HIGHNESS the RAJA of NABHA—1873.

1. The project to be drawn out under the exclusive control of the British Government on the general basis of taking the water in the most economical manner to those districts east of the Sutlej to whom it can in an engineering point of view most advantageously be carried.

2. The original designs for the Canal works will be drawn out under the sole direction of the British Government, every possible attention being given to the wishes of the Governments of the other States concerned as to the precise direction and position of the Canals, &c., consistently with sound engineering principles.

3. On the final settlement of the project the share of the water-supply to be allotted to the Branch Canal shall be determined on the general basis of giving a fairly equal proportion to all the districts traversed by the entire system of canals, having regard to the lands that will actually be capable of receiving irrigation from them.

4. In the subsequent parts of this Agreement the Ubohur and Bhuttinda branch canals will be referred to as the British branches, and the Kutlah, the Central, and the Choa Branches will, for the sake of brevity, be alluded to as the Puttiala branches, as they chiefly pass through the territory of the Puttiala State.

5. Water shall be distributed, if required and so far as practicable, from the British branch canals rateably to all villages along their courses whose lands can be advantageously irrigated therefrom, whether those villages are under British jurisdiction, or that of any other State.

6. Similarly on the Puttiala branches the distribution shall be made rateably to all villages, whether belonging to the Puttiala or any other State.

7. The land required for the canals and works in connection with them shall be made over by the Government of each State traversed according to its own usage, all payments of compensation being made by the British Government in accordance with the regulations in force in the several States, and the amount being dealt with as a part of the general expenditure on the canal works.

8. Compensation will be paid for any building or house injured by the works.

9. The entire cost of the main canal, inclusive of original surveys and the preparation of the project, shall be borne by the British Government and Native States concerned in proportion to the water-supply allotted to each; but the whole cost of the Puttiala branches shall be borne entirely by the States concerned in similar proportion.

N.B.—Puttiala paid the expense of the preliminary surveys and project incurred in 1862. This will be added to the general cost of the whole project and be shared by all the parties concerned.

10. Each State will defray the entire expenditure on its own rajbuhars, which will be designed (unless otherwise mutually agreed upon) as far as possible so as to provide separately for the lands of the several States, and will be specially assigned to the States by the British Government which will determine all doubtful points relating to this assignment.

11. The States interested in the Puttiala branches concerned shall supply annually, to meet the cost of construction while the works are in progress, a proportion of the estimated annual outlay on the main canal equal to the share of the entire water-supply allotted to those branches, as well as the whole of the funds required for those branches in shares proportioned to the quantity of water allotted to each.

12. On the completion of the works an account will be drawn out by the British Government of the actual expenditure on those portions of the project of which the cost is to be defrayed proportionally by the several Governments, and a final statement will be prepared of the exact sum due from the several States concerned, when each State will pay or receive back any difference between its actual payments year by year and its ultimate share of the cost.

13. The above account of total cost will include the charges for the original surveys and proper charges for establishments, &c., whether incurred by the British or any of the other Governments concerned; and credit will be given to every State for payments made by it directly.

14. Copies of such parts of the British accounts of the expenditure on construction will be furnished periodically to the Governments of the several States concerned, so far as may be desired by them.

15. The several States concerned shall pay to the British Government an annual sum as seigniorage on the Sutlej water supplied to the Puttiala branches in shares proportioned to the quantity of water allotted to each.

16. The seigniorage to be paid by the States interested in the Puttiala branches in consideration of the water supplied to them by the British Government will be at a rate not exceeding four annas per acre.

17. The sum to be paid annually will be calculated on the area actually irrigated during the year by the British branches of the canal, and in proportion to the relative volumes of water passing at the time down the British and Puttiala branches respectively, that is to say, if, with 2,000 cubic feet per second passing down the British branches, 200,000 acres have been irrigated, and 1,000 cubic feet per second have been at the same time discharged in the Puttiala branches, the seigniorage to be paid would be 100,000 acres at four annas, equal to Rupees 25,000.

N.B.—The area irrigated will be the actual area, *i.e.*, an acre of double crop land will not be reckoned as two acres.

18. No seigniorage will be demanded so long as the British canals yield no profit, and as long as the profits from the British branches shall be so small as would render the seigniorage rate of four annas per acre unduly high, such seigniorage shall be proportionately reduced to one, two, or three annas per acre at the discretion of the British Government.

The British Accounts Department will determine when the canals yield profit.

19. The first payment of seigniorage will be demanded on the eleventh year after the admission of water into the Puttiala branches.

20. In cases of any falling off in the annual supply of water entering the main canal channel, the British Government and the other States will share the actual supply according to the original proportion fixed, and the other States shall have no claim for compensation from the British Government on account of any such reduction of the supply.

21. The gauge registers at the regulating head of the British and Puttiala branches shall be held to give authoritative data for calculating the quantity of water supplied.

22. No State will have any claim against the British Government on account of water escaping unused from the branches, because it is not required or used in their territories. Should the British Government realize any income from the surplus (unused) water of the Puttiala branches, the States concerned

shall be entitled to claim a remission of seigniorage in proportion to the income so derived.

23. The several States shall pay the same share of the annual charges for maintenance of the main canal as they pay of the first cost of that portion of the works.

24. The original construction of the *Puttiala* branches, with their collateral works, including *rajbuhas*, shall be carried out exclusively by the British Government under its own officers, as in the case of the main canal and the British branches.

25. Subsequent to the admission of water, the management of the main channels of the *Puttiala* branches and their connected works shall rest entirely in the hands of the British Government, but all expenses of maintenance of these channels shall be defrayed by the several States in shares proportioned to the quantities of water allotted to each.

26. The management and distribution of water from *rajbuhas* and all other arrangements connected therewith shall be under the control of, and the whole of the costs of maintenance and management of the *rajbuhas* shall be defrayed by, the States to which they respectively belong.

27. The details of superintendence, powers of local officers, and other matters connected with the management, shall be settled by the Punjab Government with the States concerned, subject to the confirmation of the Supreme Government.

28. Offenders against Canal Regulations in villages irrigated from the *Puttiala* or British branches, or bordering on *Puttiala* or British branches shall be made over by the Canal Officers for infliction of penalties to the officers of the Government in whose territory those villages are situated, a right of reference to the Punjab Government being allowed in case of any dispute or difference of opinion.

29. Each State shall be bound to give a right of passage through its lands for any water channel, large or small, when required by any other of the States concerned, the only compensation claimable from the State to which such water-course belongs being the value of the land occupied and the property thereon. The supervision of *rajbuhas* and other minor channels thus made shall remain with the Government to which they belong, as in the case of other similar works within its own territories.

30. In case of dispute between any two States as to the amount of compensation to be paid on account of land taken up, or any other matter under this agreement, the amount of compensation or dispute shall be determined by an officer appointed by the British Government.

31. The tolls levied on boats, rafts, etc., navigating the canals shall be the same on all the channels, whether those channels belong to the British or any other State.

32. No transit duties on goods passing along the canals shall be levied by any of the Governments concerned. This will not prevent the levy of cus-

tomary duties on goods or merchandize *landed* from boats, etc., plying on the canals for consumption in towns, etc.

33. The amount of toll levied on through traffic shall be shared between the British Government and the States concerned, in proportion to the distance traversed on the channels belonging respectively to each.

34. A share of the navigation tolls of the main canal shall be allotted to the States concerned in proportion to their share of the entire water-supply.

35. In all other cases the tolls shall belong to the State in exclusive possession of the channels traversed.

36. The navigation tolls to be credited to the States concerned in the Puttiala branches thus consist of three portions :—

1st.—Share of tolls on the main canal.

2nd.—Share of “through” traffic tolls between the British and Puttiala branches.

3rd.—All tolls on boats, etc., navigating the Puttiala branches exclusively. The amount will be shared by the States concerned in proportion to the shares of the first costs of the channels defrayed by each respectively.

37. A share of the value of miscellaneous produce such as wood, grass, etc., on the main canal shall be credited to the Puttiala branches in proportion to the share of the water-supply allotted to them.

38. The above share of produce on the main canal with the whole of the value of similar produce on the Puttiala branches (not including rajbuhas) will be shared by the States concerned, in proportion to their shares in the first cost.

39. Each State will supply annually, as required, the whole of the funds for maintenance of the work, etc., appertaining to its own territory, as well as a share of the estimated cost of maintenance of the branches, *plus* the portion of the maintenance expenses of the main canal referred to in paragraph 23 : these last in shares proportioned to their shares in the first cost.

40. The British Government reserves to itself the right of extending or altering the canal at any future time in any way it pleases, on the understanding that the share of the water first assigned to the Puttiala branches, and the other rights of the States concerned under this agreement shall not be interfered with or diminished without their consent being first obtained. And the expenses of such extension or alteration will be distributed in proportion to the advantages expected to accrue from such action to any of the parties concerned under this agreement.

41. So long as the original construction of the Puttiala branches shall be in progress, it shall be the duty of the officers in charge to pay due attention to any representations of the Chiefs of the States concerned or their officers, and to carry out their wishes as far as may be practicable or advisable.

42. In consideration of the advantages given by the canal from the Sutlej, the Puttiala State will allow the British Government, if it desires to do so, to take a small water-course from the Guggur to supply the cantonment and

town of Umballa, the water-course to carry about 20 cubic feet per second. A proportion of the charge for seigniorage on the Sutlej water shall be remitted to compensate for the grant of the Guggur water if this water-course be made ; no other claim to lie against the British Government in connection with the construction of the water-course.

43. In case of any difference of opinion arising between any officers of the States concerned and the British Canal Officers on any matter relating to the management of the canal, it shall be referred to the Lieutenant-Governor of the Punjab, whose decision shall be final. If any difference of opinion shall arise between any of the States concerned and the Lieutenant-Governor of the Punjab, as to the construction of this agreement, a reference may be made to the Governor-General in Council, whose decision shall be final.

44. It shall at any time be competent for the British Government to resume the entire management of the canal works or irrigation in the territories of any of the States concerned, if it shall consider that that State has not properly fulfilled the obligations which attach to the discharge of the duties which will devolve on it under the arrangement detailed above.

45. These obligations may be summed up as follows :—

1st.—Complete regularity in the payment of the salaries of all persons employed on the canals and in the provision of the funds necessary for carrying out the works which will be needed for the proper maintenance of the canals.

If from any want of proper attention on the part of any of the States concerned, the British Government is at any time forced to advance money for the due performance of works or payments of salaries, etc., which will properly fall on that State under these arrangements, then the British Government must be understood to have the right to take complete charge of the whole administration of the canal, channels, and irrigation pertaining to that State, and to retain them under its own officers until the evil complained of be corrected and matters be placed on a sound footing. But in such case, out of the income from the canal after deducting expenses, any surplus which may accrue shall be made over to that State concerned in whose territory such administration may have been assumed.

2nd.—Complete impartiality in the distribution of the water among the villages along the canals, so that the British villages and those of other Native States shall, if required, share the water equally with the villages of the States concerned ; also an equal administration of justice to all persons over whom the officers of the States concerned may exercise jurisdiction, so that the subjects of the British Government or of any Native State shall be dealt with according to the same principles of law as are respected by the officers of the British Government.

3rd.—Ready and friendly compliances on the part of the Governments of the States concerned with those requests of the Punjab Government and its superior officers, who have chief charge of the Irrigation Department in the

Punjab, which shall be declared by them to be essential for the proper maintenance and satisfactory working of the canals as a whole.

The Governor-General in Council will at all times be ready to receive any representation from the Government of any of the States concerned, if that Government considers that the spirit of the present proposals are from any cause not fully acted up to by the officers of the Punjab Government on whom the immediate duty of carrying them out will devolve.

Executed at Umballa this eighteenth day of February 1873.

(Sd.) GORE OUSELEY,
Commissioner, Umballa Division.

Seal.

(Sd.) NORTHBROOK.

Ratified by His Excellency the Viceroy and Governor-General of India at Calcutta on the twenty-sixth day of March 1873.

(Sd.) C. U. AITCHISON,
*Secretary to the Government of India,
Foreign Department.*

Similar engagements were entered into by the Chiefs of Jheend and Nabha.

No. XXX.

POSTAL CONVENTION for the EXCHANGE of CORRESPONDENCE, PARCELS, INSURED and VALUE-PAYABLE ARTICLES, MONEY ORDERS and INDIA POSTAL NOTES, between the IMPERIAL POST OFFICE OF BRITISH INDIA and the POST OFFICES in the TERRITORIES of HIS HIGHNESS the MAHARAJA of PATIALA—1884.

ARTICLE 1.

There shall be a mutual exchange of correspondence, parcels, money orders and India postal notes between the Imperial Post Office of British India, hereinafter termed the "Imperial Post," and the Post Offices in the territories of His Highness the Maharaja of Patiala, hereinafter termed the "Patiala State Post." This exchange, which shall also include registered,