

[L. & M.]
[9,000-8-8-96.]

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1220/m

DATED 31st July 1895.

[Despatch Abstract.]

Leper Hospital, Calicut.

Requesting the Advocate-General to give his opinion whether section 15 of Act I of 1891, in spite of the effect of section 12 of the same Act, would permit Government to resume institutions which have been vested in municipal councils under the Towns Improvement Act of 1871 and the District Municipalities Act IV of 1884 or may hereafter be so vested under the latter of the above Acts or similar enactments.

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 P I N I O N.

I think the safest course will be to amend the Act by confer-
-ing upon Government the power of resuming the buildings and institu-
-tions &c., which may be vested by Government in District Municipali-
-ties under Madras Act IV of 1884, section 25.

J. H. Spring Branson

Advocate General

Madras }
5th July }
1895. }

(True Copy)

Ernest Davelos

Government Solicitor.

Local & 89.5.12.1895

CURRENT I

2203 M

Ernest Barclay
Government Solicitor
Madras

To
The Chief Secretary
to Government
Cotacamund

N^o 354

Dated 5 July 1895
Recd



Forwarded ^{opinion of the Government} with reference
to the Order of Government
dated 20 June 1895

N^o 830 Local Municipal
Ernest Barclay
Government Solicitor

Mem 820/95
Cuo 1629/95
Cuo 1274/95
370kt-3/94

[G.]
[25.]
600-7-5-95.

L.M. DEPARTMENT.

C. No. 5 2806 M and 1001. 1629
94 2203 M. of 95

FOR ORDERS.

Should make a further report to the
Adm. Genl. pointing out the hearing
of the Genl. Clauson Act.

2577/95

Please see notes & orders on the first
two of the currents read above.

With the second current the Collector
of Malabar forwards copies of the
correspondence that took place between
the Mission authorities and the Council
when the hospital was handed over to
the former. It will be seen that
the Council exacted no conditions
from the Mission except that a leper
hospital should continue to be main-
tained in the building.

The Govt. of India's letter, in
g.O. 1080 M^{about lepers} has ~~not~~ altered
8.7.95
the position of Govt. in respect to the
matter, & it is now chiefly for con-
sideration how the Govt. can re-obtain
possession of the Hospital.

As long as the Mission controls
it, it ^{they} will endeavor, probably, to
avoid conducting it on non-sectarian

* info. 60 Legat.
12-2-95

lines, so that Govt. cannot well allow it to take the place of a Govt. institution for Lepers in Calicut.

(Section Para 2. of the Govt. of India's letter shows that it is considered necessary that Lepers should not be compelled to attend religious observances at Govt. leper asylums as the Draft drawn up by India's order for the isolation of Lepers Bill had an express provision to this effect.)

The Mission are hardly likely to give up the Hospital to Govt. for the mere asking, nor perhaps would the withdrawal of the Council's small contribution of Rs. 200 annually make them give it up. Perhaps however Govt. might, — should it be eventually decided that a leper Hospital in Calicut is required — by the effect of representing to the Mission that the Hospital is wanted by Govt.

For it does not appear possible to compel the Mission to now return the Hospital. The Advocate-General was asked whether ^{under} the existing law, ~~would permit~~ the power to vest includes the power to resume, & though his opinion is not an elaborate one, he does not seem to have thought of the General Clauses Act, he says

FOR ORDERS.

[G. 25.]
600-7-5-95.

DEPARTMENT.

C. No.

FOR ORDERS.

that he considers it would be best to amend Act IV of '84 sec. 25. (see Current 2203-91.)

But even were this ^{section} ~~law~~ amended specifically as proposed, it is doubtful whether it wd. be possible for Govt. to resume the present Hospital, for the Council in which Govt. vested it has again transferred it to a third party. (This transfer was certainly made with the permission of Govt., & it might on that ground be able to resume the hospital.)

For the present it appears only to be possible to suggest to the Council that if it does not like the Lepers to be compelled to attend at religious instructions it can withdraw its contribution of Rs. 200., and in order to get back the Hospital into Govt.'s hands, either to represent all the facts to the

mission & ask them to give it back,
or to await the amendment of Act
IV of '84 & then see whether the
resumption can be enforced under
an amended sec. 25 even though
the Council has passed on the
hospital to a third party.

Orders are solicited.

Mr. 22.7.95 The Secy. of the
Infant authorities the question
asked. H.D.
24/7/95

CS. Read current 2203 M.
Order 31.7.95 No 1220 M.

Sec. 15. of Act I of 1891 (the Madras
General Clauses Act) provides that "where an Act
confers a power to issue orders, the power
shall be construed as including a power exercisable
in the like manner, and subject to the like consent or
conditions, if any, to rescind, revoke, amend, or vary
the orders." The Advocate General will
be requested to give his opinion whether this
section, notwithstanding the effect of section
12. of the same Act, would permit Govt. to
revoke institutions which (1) have already been
vested in Municipal Councils under the Towns
Improvement Act 1891, and the District
Municipalities Act (IV of '84) (2) may
hereafter be so vested under the latter of
these Acts or similar enactments.

Mr. 26.7.95 (from orders.)
To Adv. General 29/7/95
Dupa 3/8/95

Leper Hospital at Calicut

H.M.
FOR ORDERS.

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No. _____ DATED _____
189 ,

CURRENT No. _____

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.

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