ENCLOSURE N

INDEXED.

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1744 M

DATED 12-10-96

[Despatch Abstract.]

Sanitation

Cancelling with remarks the resolution of the Madura Municipal Council No. 230 of 11-8-96 regarding coverings over drains

BACK PAPERS.

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

FURTHER PAPERS.

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

ENCLOSURE N

Local & Munl. (1896) Department.

CURRENT No. 2602 M

L. M.
Misc.

From The Collector of Madura

Order No. 1744 Muni. d/ 12.10.96

Disposal No. 3139 of 1896

Dated 16th September 1896

Received 19 SEP. 96

Registered "

Enclosures 1 file 5

Spare copies.

Under Section 35 (1) of the Madras District Municipalities Act, His Excellency the Governor-in-Council is pleased to cancel the resolution of the municipal council of Madura, No. 230, dated 11th August 1896.

2. The maximum length of ~~coverings over~~ drains in front of each houses or bazaars allowed to be covered in should in no case exceed four feet, and the council will be requested to take immediate steps to deal with cases in excess of this limit as encroachments under Sections 167 or 168 of the Madras District Municipalities Act, unless they comply with the conditions prescribed by the San. Commr. approved of by Govt. in G.O. 1341 M 27.9.94. It is one

M 7.10.96. of

20/9.

SUBJECT.

Submitting letter No: 41 dated 24th August 1896 from the Chairman Municipal Council Madura on the subject of coverings over drains with remarks.

f the Council to preserve the public drains in the town from being encroached upon by ~~long~~ Coverings which ~~prevent~~ do not allow of their ~~daily~~ ~~clearance and flushing~~ being properly cleaned.

V.R.
3/10/96

[illegible]
5-10-96

G.O.	No.	Department.	Date.
1/0	1870	h	19-[illegible]-95
	1341	h	27-[illegible]-94
	443	h	4-4-94

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To The Collector of Madura
" Chairman, M.C. Madura.
Dispd. 14/10/96

Recd
1896 28-8-96

LOCAL AND MUNICIPAL DEPARTMENT.

FROM

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

28 AUG 96
MADURA

[illegible]

No.

ENCLOSURES Four.

Dated 24th } August 1896.
Received }

No. 41

SUBJECT.

Submitting Copy of resolution of the Municipal Council Madura No. [illegible] dated 11th August 1896. and requesting that Government be pleased to pass necessary orders thereupon

1/2602 [illegible]

Municipal Office,

No. 41. MADURA 24th August 1896.

Enclosures. Four.

From,

M. R. Ry. R. Ramachandra Row Avergal B. A.

Chairman,
Municipal Council,
Madura.

To,

The Chief Secretary to Government,
Fort Saint George, Madras.

Through, The Collector of Madura

Sir,

In enclosing Copy of resolution No. 230 dated 11th August 1896. I have the honor to State that I regret very much to Submit along with it the following remarks. The importance and gravity of the Subject do not seem to have been well Considered by the Councillors, and I feel Compelled to bring the matter to the notice of Government.

2. Enclosure 1. is a Copy of resolution No. 102 dated 16th March 1895. The Substance is that all Coverings over drains at a height not less than 3 feet above the drain and not projecting beyond the drain be licensed at the rate of 1½ Rs per 50 Square feet in front of dwelling houses.

Scheme

[illegible] in front of -azaars. A copy of this resolution was submitted to Government and read in G. O dated 19 August 1895 No. 1370 Mc. Mis. On the receipt of the G. O resolution No. 323 dated 2nd November 1895 (copy enclosed - enclosure 2) was passed. It will be observed, that no attention whatever was paid to the remarks of Government, and that the very same rates were continued. The Chairman Mr Fischer placed the subject again before the Council and an excellent resolution No. 24 dated 21st January 1896 (enclosure-3) was passed. It was resolved that coverings so as to form 4 feet approaches to houses and bazaars and further coverings of unobjectionable pattern recommended by the Sanitary Commissioner be entirely exempted from fees and all other coverings be penalty assessed. This resolution being in modification of Resolution No. 323 dated 2nd November 1895. was void under Section 30 of the District Municipalities Act and was declared to be such in resolution No. 121 dated 2nd May 1896 The effect was that resolution No. 323 was restored and after the expiry of three months after the 2nd May the subject was again placed before the meeting and resolution No. 230 dated 11 August 1896 (enclosure - 4) was adopted.

3. The limitations under which coverings

ENCLOSURE No. 1

[illegible]

contained in the papers printed in Gov dated 28th September 1894 No. 1341 M. The present resolution so far as it allows a width of seven feet exceeds the limit therein advised by the Sanitary Commissioner. In several streets the houses are narrow and furlongs of drains would be entirely covered up by the seven feet maximum or the spaces between coverings would be very little indeed. Secondly, each house holder may now completely block up seven feet without securing a grating of the unobjectionable pattern for the excess of three feet.

4. The Council next proceeds to levy a license fee for excess coverings and resolved to levy 2 Rupees per 50 square feet for dwelling houses and double the rate for bazaars. This in my opinion is wrong on two grounds. First there is no stipulation that the excess should be of the standard pattern. Secondly the rate is so low - almost the rent paid for dwelling houses - that no house holder or bazaar man would remove the covering over the drain without preferring to pay the moderate rent. If the object of the Council be to increase revenue by opening an additional source of receipt even then the rates could be raised with advantage but if on the other hand the object be to compel the removal of all coverings other than those that are demanded by the convenience of the inhabitants the resolution is entirely futile.

5. Of course it is superfluous for me to

[illegible] things to Continue. But I may give Some examples as to how far the evil has spread. For miles and miles of Streets the inhabitants have raised pucka Structures over the drains, (of masonry even), have encroached on the Streets by means of pandals; and have extended their buildings in Some places by twelve feet beyond the further end of the drain. No access is possible to the drain and its contents could not be and are not cleaned out. Owing to defective levels and imperfect construction the Sewage does not find its way out. Whole Streets are reeking with odour; and in the Case of bazaars article for human Consumption are exposed for sale over the drains Covered with flies Settling alike on those articles and on the Sewage. This by no means represents isolated Cases or is hyperbolical language ~~of things~~ Doctor King when he was here last specially brought forward to my notice a Striking example of this in the East Masi Street.

6. I am unable to State what motives actuated the Council in passing their Several resolutions. The history is set out in para 2 Supra. In one resolution I find penal assessments recommended; in another professedly passed after deliberation of Mr. Twiggs letter Dis. No. 2631 dated 25th July 1895, I find that the previous rates have been adopted and no reasons advanced to Combat the Collector's arguments. I however find the proposer of the resolution to revoke resolution No. 24 dated 24th January 1896 uses the

G.O. 1370 M / 19-8-95

ENCLOSURE No. 1

[illegible] and in the end will be found ineffective and Calculated to raise much discontent in the minds of the rate payers" I am not aware if the Council as a whole was Swayed by the reasons but in my opinion it is the rates now adopted that are monstrously low; I entirely fail to see how the rate will be ineffective; certainly the reform will raise discontent as every reform will, but the consequences thereof are to be Considered.

7. To illustrate the lowness of the fee proposed to be Charged I may add that the Cost of land I recently acquired as Deputy Collector is 6 annas a Square foot; the price of 50 Square feet will be 300 annas and 7½ per cent thereof — the usual rate of house rent on Capitalized value — 1 Rupee – 6½ annas or nearly 2 Rupees, the proposed fee. I know in other parts of the town the market value is 1 Rupee per Square foot and the rate of rent is 3 Rupees 12 annas i.e. the Municipal Council proposes to Charge per fifty Square feet 1 Rupee – 12 annas less than what private landlords are Charging and this when, as I presume the avowed object seems to be to induce the people to remove the Coverings. The figures are correct to the best of my knowledge and are very instructive.

8. If Government approves of resolution No. 220 dated 11th August 1896. I beg it will Sanction the levy of the fees proposed; or if it agrees with me in Considering that the resolution was "ill advised" I beg Government may either permit the

subject for further Consideration or take such other action as it thinks fit

I have the honor to be
Sir
Your most obedient Servant

M Ramachandran
24 Aug.
Chairman

[illegible]
24/8

ENCLOSURE No. 1

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No. 41.
Dated 24° August 1896.
No.

Copy of resolution of the Municipal Council Madura No. 102 dated 16° March 1895.

2
2602 [illegible]

Subject for further Consideration or take
[illegible] retions a [illegible]

Extract from the Proceedings of the Municipal Council, Madras, pass at its meeting held on the 16th March 1895.

102. Read proposal of Councillor Mr. Subba Naidu that all Slab stones, planks, an all kinds of Covering over drains, be taxed and that permission be granted on the understanding that they will be removed, whenever required by the Municipality.

Resolved that permission be granted for Covering drains in unobjectionable localities on the Condition that Slabs, planks or other Structures are placed at a heig of not less than three (3) feet from the Surf of the drain and do not project beyond the width of the drain and on the Condi that they will be removed whenever required by the Municipality and that a fee of one Rupee 8 annas per annum be levied for every 50 Square feet or a fraction thereof in respect of Coverings in front of dwelling houses; and that the rates be doubled in the Case of bazaars.

Resolved also that existing Structures be also taxed at the above rate and

Resolved also that the above resolution be in force till the drainage Scheme

Scheme is sanctioned and taken in hand

x x x

(Signed). R. Fischer
Chairman

(True Extract)

Chairman

26/8.

ENCLOSURE No. 2

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No. 41.

Dated 24 August 1896.

No.

Copy of resolution of the Municipal Council Madura No. 323 dated 2nd November 1895.

3

2602

Extract from the Proceedi
of the Municipal Council. Madras
passed at its meeting held on the 2nd
November 1895.

× × ×

323. Read proceedings of Government
dated 19th August 1895 No 1370 M. Mis
on the Subject of licensing Coverings
over drains and levying annual fee
thereon.

Resolved that a fee of Rs 1. 12.
be imposed in the Case of Coverings
in front of houses and that the rate
be doubled in the Case of bazaars.

M. R. Ry Sreeraman Chetti Avergal
not voting.

× × ×

(Signed) R. Fischer
Chairman

(True Extract.)

Ramachandran
27/8
Chairman

18

Ak.
26/8

ENCLOSURE No. 3.

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No. 41

Dated 24th August 1896.

No.

Copy of resolution of the Municipal Council Madura No. 24 dated 21st January 1896

4/2602 mo of 96

Extract from the Proceedings of the Municipal Council Madras passed at its meeting held on the 21st January 1896

× × ×

24. Read proposal of Chairman that resolution No $\frac{323}{2\cdot 11\cdot 95}$ sanctioning the scale of fees in connection with the covering over drains in front of houses and bazaars be reconsidered.

Resolved that all future coverings over drains except the 4 feet approach to houses and bazaars be of the unobjectionable pattern recommended by the Sanitary Commissioner and approved of in G. O. No $\frac{1341}{27\cdot 9\cdot 94}$ and that they be exempt from payment of any fees.

Resolved further that all existing slab stones and planks in objectionable localities be caused to be removed in all possible cases and that in other cases a prohibitive fee of Rs 2/- per square foot be levied upon coverings in front of houses and that the rate be doubled in case of bazaars.

Messrs Venkatesalu Naidu, R. Muthusami Pillai, Jambu Chetti

and appro

and Saiyid Mahomed Ibrahim Sahib dissenting as regards the rate.

M. R. Ry. P. Sivaraj Naidu Garu not voting.

× × ×

(Signed) R. Fischer.
Chairman

(True Extract)

Ramachandran
27
Chairman.

~~6~~ 12

MB
20/8

ENCLOSURE No. 4

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No. 41.

Dated 24th August 1896

No.

Copy of resolution of the Municipal Council Madura No. 230 dated 11th August 1896.

5
[illegible]

Extract from the Proceedings of the Madras Municipal Council passed at its meeting held on the 11th August 1896

× ×

230. Read proposal of the Chairman Delegate that all existing Slab Stones and planks in objectionable localities be caused to be removed in all possible cases and that in others a prohibitive rate of Rs 3/ per Square foot be levied on Coverings in front of houses and that the rate be doubled in the Case of bazaars.

Resolved that notice be issued in all Cases that Slab Stones and planks be removed.

Proposed by M. R. Ry T. Ramachandra Avergal and Seconded by M. R. Ry Selvaraj Naidu Garu that Covering of drains 7 feet long in front of houses and bazaars be allowed free of Charge and excess be Charged.

M. R. Ry E. S. Subramani Iyer Avergal States that the above proposition is out of order as the Subject as Stated in agenda paper does not include Steps — Lost

Amendment proposed by the Chairman and Seconded by Mr Fischer that 4 feet be read for 7 feet — Lost.

Resolved that Covering of drains 7 feet long in front of houses and bazaars be allowed free of Charge and exces at appro be charged. Mr. Fischer and Chairman dissenting.

Proposed by M. R. Ry Ramachandra Iyer Avergal and Seconded by M. R. Ry Selvaraj Naidu Garu the excess area be charged at the rate of one rupee per Square foot or fraction thereof per annum in front of houses and double the rate in front of bazaars.

Amendment proposed by Dr. R. Ry E. S. Subramani Iyer Avergal and Seconded by M. R. Ry M. Ananthakrishna Naidu Garu that the words 4 annas be read for one rupee — Lost.

Amendment proposed by M. R. Ry P. R. Venkatesulu Naidu Garu and Seconded by M. R. Ry R. Muthusami Pillai Avergal that the words 2 rupees per 50 Square feet be read for one rupee per Square foot

Carried by a majority.

× × ×

(Signed). R. Ramachandra Rao
Chairman

(True Extract.)

Ramachandran
27 Aug
Chairman

26/8

Madura Collector's office
Dated 16th September 1896.

Di[illegible] No. 3139 of 1896
Enc 1 file

Lo[illegible] Municipal Dept.

From

J. Twigg Esquire,
Collector of
Madura

To

The Chief Secretary to Government
Local and Municipal Department
Madras.

Sir,

In forwarding Letter No. 41 Dated 24th August 1896 from Chairman Municipal Council Madura, I have the honor to offer the following remarks

2. The Council's decision is objectionable in that it practically recognizes as permissible a Seven foot instead of a four foot approach, and that the fee it imposes on the excess is in the nature of a license fe and not of a prohibitive penal tax. In other word the tax is too light, and its application too limite

3. The letter of the Revenue Officer in charge sho the urgent necessity for action in regard to encroachments and coverings over drains. The simplest course would be to cancel the resolut which is mischievous rather in what it implies than in itself, forbid more than a four foot appro and direct the Council to take immediate s

to remove coverings in excess of this width where action is not barred by limitation. If the Government is not prepared to lay down a general four foot rule, the Chairman should proceed to lay before the Council cases in which this limit has been exceeded with a view to action being taken under section 168 of Act IV of 1884. The resolution does not prevent him from doing this, though it indicates the view that the Council is likely to take. Each case will then be dealt with on its merits and a reference to Government made if the Council declines to do its duty.

I have the honor &c,
Sir,
your most obedient Servant
Collector

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[L. & M.]

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GAIN G.O., No. DATED
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F GOVERNMENT.

STATEMENT WITH DITTO.

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