Local & Munl. (189) Department.

INDEXED

PRINTED.

G.O., No. 1832 M

DATED 29-10-96

[Despatch Abstract.]

Bill to exempt govt. buildings and lands from ~~municipal taxation~~ the operation of Mun. laws.

Referring to certain offices and local bodies for opinion, ——, and advising that the bill and the statt of objects and reasons be published in the Fort St George Gazette.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1896} of Madras.

LOCAL AND MUNICIPAL.

Ca.

Proof for approval.

Recd.
Regd. } 1896.

Enclosures
Spare copies

G.O., No. 1832 M., 29th October 1896.

OCTOBER.

Bill to exempt Government Buildings and Lands from ~~Municipal Taxation.~~ the operation of Mun. laws.

Referring to certain officers and local bodies, for opinion, —, and ordering that the Bill and the Statement of Objects and Reasons be published in the *Fort St. George Gazette*.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper:—

From H. W. C. CARNDUFF, Esq., Officiating Deputy Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Simla, the 17th October 1896, No. 2026.

I am directed to forward herewith 40 copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

A Bill to provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation of, Government and situate within the limits of a municipality, with Statement of Objects and Reasons.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George Gazette* in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 31st December next.

ORDER—No. 1832 M., dated 29th October 1896.

The Hon'ble the Judges of the High Court.
" Advocate-General.
" Municipal Commissioners of Madras.
The Municipal Council of—
Bellary. | Calicut.
Berhampur. | Cuddalore.
Masulipatam. | Tanjore.
Madura.
The Collector of—
Bellary. | Malabar.
Ganjám. | South Arcot.
Kistna. | Tanjore.
Madura.

The Bill will be referred to the marginally-noted officers and local bodies for favour of an expression of their opinion on its provisions; opinions should be submitted by the 1st December 1896.

2. The Bill and the Statement of Objects and Reasons will be published in the *Fort St. George Gazette* in English and all vernaculars.

3. The Superintendent, Government Press, should report to Government the dates of publication in the Gazette.

(True Extract.)

Secretary to Government.
for Ag Chief Secretary

To the Hon'ble the Chief Justice, with C. L.
" Government Solicitor.
" President, Municipal Commission, Madras.
" Chairman, Municipal Council, Bellary.
" " " Berhampur.
" " " Masulipatam.
" " " Madura.
" " " Calicut.
" " " Cuddalore.
" " " Tanjore.
" Collector of Bellary.
" " Ganjám.
" " Kistna.
" " Madura.
" " Malabar.
" " South Arcot.
" " Tanjore.
" Superintendent, Government Press.
" Translators to Government.
" Legislative Department.

Ord. J. P. Oliver.

Government of India.

LEGISLATIVE DEPARTMENT.

C.A.

Proof for approval.

ANNEXURE

TO

Bill to provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation, of Government and situate within the limits of a Municipality.

(Statement of Objects and Reasons.)

STATEMENT OF OBJECTS AND REASONS.

The provisions of the various Acts in force regarding the regulation of buildings in municipalities rest in the main on the necessity for controlling building and the maintenance of buildings with due regard to engineering and sanitary exigencies, and the powers conferred upon Municipal Committees with this object in the several Municipal Acts are wide and more or less absolute. It has been on several occasions represented to the Government of India that in the case of Government buildings this necessity does not exist, as the requirements in question are secured by departmental regulations and the advice of the experts who are employed by the State for the proper execution and supervision of public works. Moreover, as regards works relating to imperial defence, it is evident that, if direct control is to be effectively exercised by Municipal Committees, the power of inspection must extend to the examination, on demand, of plans and records, which may be of a strictly confidential character, and this examination is inconsistent with the secrecy which, for obvious reasons, is essential in these matters. It will be generally admitted that the Government cannot permit its designs for the improvement of its coast batteries, magazines, or arsenals to become practically public property merely because such designs have to be carried out within a municipal area in which the local law requires their submission to the municipal authorities and admits of extraneous and, it may be, arbitrary interference with them.

2. The object of this Bill is, therefore, to exempt from such regulations all buildings which are situate within municipalities and are, or are to be erected upon land which is, the property, or in the occupation, of the Government. The Government of India have, however, no desire to ignore the internal arrangements and general administration of municipalities. On the contrary they consider it incumbent on the administration to frame its projects with full consideration for the general plans of any municipal body concerned; and they consider it reasonable and right that municipal bodies should have opportunities of criticizing such projects; but the final judgment on objections and suggestions must rest with the Local Government which has undertaken them, and not with a Municipal Board, which is itself under the control of the Local Government. It is proposed in the Bill, therefore, to provide that reasonable notice of any work which it is intended by the Government to undertake, shall be given to the municipality concerned; that the Municipal Committee shall be permitted, subject to suitable safeguards, to inspect the land and the plans; that any representation such Municipal Committee may think fit to make with reference thereto shall be received and considered by the Local Government; that the work shall be executed in strict accordance with the orders passed by the Local Government on such a representation; and that every order so passed shall be liable, in the last resort, to revision by the Governor-General in Council.

The 10th October 1896.

(Signed) J. WOODBURN.

Government of India.

LEGISLATIVE DEPARTMENT.

Proof for approval.

A

BILL

TO

Provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation, of Government and situate within the limits of a municipality.

(Mr. Woodburn.)

A

BILL

TO

Provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation, of Government and situate within the limits of a municipality.

WHEREAS it is expedient to provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation, of Government and situate within the limits of a municipality; It is hereby enacted as follows:—

1. (1) This Act may be called the Government Buildings Act, 1896.

Title, extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. In this Act the expression "Municipal Committee" includes a Municipal Corporation or a body of Municipal Commissioners constituted by or under the provisions of any law or enactment for the time being in force; and the expression "Government" includes a Local Government as well as the Government of India.

Definitions.

3. (1) Nothing contained in any law or enactment for the time being in force to regulate the erection, re-erection, construction, alteration or maintenance of buildings within the limits of any municipality shall apply to any building which is the property, or in the occupation, of Government, or which is to be erected on land which is the property, or in the occupation, of Government:

Exemption of Government buildings from municipal laws to regulate the erection, etc., of buildings within municipalities.

(2) When the erection, re-erection or alteration of any such building as aforesaid is contemplated, reasonable notice of the proposed work shall be given to the Municipal Committee before the work of erection, re-erection or alteration is commenced.

4. (1) In the case of any such building as is mentioned in the last preceding section, the Municipal Committee of such municipality, or any person authorized by it in this behalf, may, with the permission of the Local Government previously obtained, but not otherwise, and subject to any restrictions or conditions which may, by general or special order, be imposed by the Local Government, inspect the said land and building and all plans connected with its erection, re-erection, construction, alteration or maintenance, as the case may be, and may submit to the Local Government a statement in writing of any objections or suggestions which such Municipal Committee may deem fit to make with reference to such erection, re-erection, construction, alteration or maintenance.

Control over the erection, etc., of Government buildings within municipalities.

(2) Every objection or suggestion submitted as aforesaid shall be considered by the Local Government, which shall, after such investigation, if any, as it shall think advisable, pass orders thereon, and the building referred to therein shall be erected, re-erected, constructed, altered or maintained, as the case may be, in accordance with such orders:

Provided that, if the Local Government overrules or disregards any such objection or suggestion as aforesaid, it shall give its reasons for so doing in writing.

(3) Every order passed by the Local Government under this section shall be subject to revision by the Governor-General in Council, but not otherwise, and the decision of the Governor-General in Council thereon shall be final.

Press

Please see if Legislative Deptt has already sent this up to you for publication. If it has, it need not be published over again

RS
11/11/96

Yes - Received late last evening RK

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

28

Again G.O., dated 189 , No.

Current No 2845m of 1896, dated 22nd October from the Govt of India.

Current No. of 189 , dated from the

C.S. p.s 28/10/96

Order. No 1832 Legd 29-10-96

The Hon"ble the Judges of the High Court.

,, Advocate General.
,, Municipal Com^rs of Madras

,, Municipal Councils of :-

Bellary.	~~Nellore.~~
~~Coimbatore.~~	~~Salem.~~
~~Cuddapah.~~	Cuddalore.
Berhampur.	~~Mangalore.~~
~~Cocanada.~~	~~Kumbaleonam.~~
Masulipatam.	Tanjore.
~~Kurnool.~~	~~Tinnevelly.~~
Madura.	~~Trichinopoly.~~
Calicut. &	~~Vizagapatam.~~
~~Nellore.~~	
~~Octacamund.~~	

,, Collectors of:-
Bellary
Kanjam
Kistna
Madura
Malabar
S. arcot
Tanjore.

To

The Hon"ble the Chief Justice with C.L. Govt 28/10/96
,, Government Solicitor.
,, President, M. C. Madras.
,, Chairman, M. C. Bellary, ~~Cocanada~~, ~~Berhampur~~, ~~Masulipatam~~, Madura, Calicut, ~~Cuddalore~~, ~~Nellore~~ Tanjore
,, Collectors of Bellary, Ganjam, Kistna, Madura, Malabar, ~~South Arcot~~ & Tanjore.
,, Superintendent Govt. Press
,, Translators to Government.
,, Legislative Department.

Gazette 7/11/96

Copies 28-10-96

A. L. Dr 26/10/96

A. L. Dr 27/10/96

RT 27. 11. 96.

Submitted that the bill might be sent to the Gentlemen to whom the Lapse Bill was sent

A. L. Dr 27/10/96

necessary.

× The names of the Collectors and the Gentlemen to whom the Bill should be sent are known to you.

The bill is simple & sensible. I don't know that so many references as I have left are needed but they will do no harm. The Coll^rs will of course comment on the opinions of the M. Councils. RT 27. 11. 96

[L. & M. 500—18-8-96.]

Local & Munl. (1896) Department.

CURRENT No. 2848/m

Order

From

The Offg.Deputy Secretary to
the Govt.of India,
Legislative Department.

No. 2026

Dated 17-10-96

Received 22-10-96

Registered 22-10-96

Enclosures 2

Spare copies 40

SUBJECT.

Forwarding 40 copies of the Bill to provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation of Govt. and situate within the limits of a municipality with statement of Objects & Reasons & requesting that the same may be published in the Fort St.George Gazette &c.

23/10

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

(A)

CHIEF SECRETARY'S
22 OCT. 1896
GOVERNMENT OF MADRAS

A

BILL

TO

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

A

BILL

TO

Provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation, of Government and situate within the limits of a municipality.

(*Mr. Woodburn*)

G. C. Press, Simla.—No. 508 L. D.—6-10-96.—350.

A

48

CHIEF SECRETARY'S
22 OCT. 1896
GOVERNMENT OF MADRAS

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The 10th October, 1896.

J. WOODBURN.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

A

ANNEXURE

TO

Bill to provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation, of Government and situate within the limits of a Municipality.

(Statement of Objects and Reasons.)

G. C. Press, Simla.—No. 519 L. D.—16-10-96.—350.

E

No. 2026

CHIEF SECRETARY
28 OCT. 1896
GOVERNMENT OF MADRAS

FROM H.W.C.Carnduff, Esquire,

Offg. Deputy *Secretary to the Government of India,*
Legislative Department,

Local and Municipal Dept.
Confl. No. 2848

TO THE CHIEF SECRETARY TO THE GOVERNMENT OF Madras.

Dated Simla, the 17th October, *189*6.

SIR,

I AM directed to forward herewith 40 copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

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3. The reply to this letter should be sent in by the 31st December next.

I have the honour to be,

SIR,

Your obedient Servant,

C.W.C. Carnduff

for Offg. Deputy *Secretary to the Government of India.*

[C. C. DE S.]

G. C. Press, Simla.—No. 503 L. D.—16-3-92.—100.

Government {1896} of Madras.

LOCAL AND MUNICIPAL.

Recd. } 1896. *Enclosures*

Regd. } 1896. *Spare copies*

G.O., No. 1832 M., 29th October 1896.

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Bill to exempt Government Buildings and Lands from ~~Municipal~~ Taxation. *the operation of munt. laws.*

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The Collectors of—
Bellary. Ganjám. Kistna. Madura. Malabar. South Arcot. Tanjore.

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(True Extract.)

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Ag. Chief Secretary.

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„ Government Solicitor.
„ President, Municipal Commission, Madras.
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„ „ Madura.
„ „ Malabar.
„ „ South Arcot.
„ „ Tanjore.
„ Superintendent, Government Press.
„ Translators to Government.
„ Legislative Department.
Gazette.

Extd. J. P. Oliver.

First copy sent to Press. 29-10-96
Returned for signature. 7-11-96
Despatched in print. 10-11-96

Number of copies required: Order complete. 120; Letter only.; Order complete with Letter.; Title & Annexure — 20

Despatch No. 2848 M — A

Press
Set in type very sharp and good print
M.S. 29/10/96

A.

Twenty
Ten copies only are to be printed separately, and not counted in the Bill as part of the G.O. — see in the annexure
29/10/96
case of the Lepers Bill G.O.
M.S. 29/10/96
M.S. 29/10/96

A = Print in full.
B = Not to be printed.
C = Print abstract only.
Q = Print heading only.