

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 1752/M.

DATED 24-11-99

[Despatch Abstract.]

Licensing of Paddy-mills.

Informing the Municipal Council of
Bezwada ^{with reference} that the Govt does not consider
that a license is necessary for places
where paddy is husked.

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. & M.]
26
530-19-12-94

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 2850-M

SUBJECT.

Licensing of Paddy mills.
Bezwada Municipality.

Mini
Mini ORDER. N. 1752 24/11/89

The Government does not consider that a license is necessary under section 188 of the Madras District Municipalities Act for places where paddy is husked.

2. The Municipal Council should take action under section 226 of the District Municipalities Act to prevent the overcrowding of houses referred to by the Deputy Sanitary Commissioner in paragraph 13 of his inspection notes recorded in G.O. No. 1174-M, dated 17 August 1897.

(From Orders)

V.R.
22/11/99

1199

To
The Chairman, M.C. Bezwada,
through the Collector of Kistna
Sanitary Commissioner

Madras

C. No. 2850. H.

SUBJECT.

Licensing of Paddy mills.
Bezawada Municipality

FOR ORDERS.

It does not appear that paddy mills i.e. places used for husking paddy, fall within the scope of clauses (h) and (k) of Section 188 of the Madras District Municipalities Act, as no offensive or unwholesome smells arise from them and it cannot be said that the purposes for which they are used are likely to be dangerous to human life or health or to property; and as they do not come under any other clauses of that Section, no license is necessary for them. The Chairman's contention that the offensive and dangerous trades enumerated in Section 188 are only illustrative is untenable. The case reported on pages 293 to 295 of the Indian Law Reports,

Madras

Madras Series, Vol. XXI, 1898, which is quoted in paragraph 5 of the Chairman's letter in support of his argument, is not in point. In that case the question for decision was whether in order to establish the offence of using a place as a private cart stand without a license under Section 188 of the Madras District Municipalities Act, it is necessary to prove that the cart stand is "offensive or dangerous or that fees are levied there." The High Court held that it is not necessary and observed that the heading of Section 188, viz:- "Offensive and dangerous trades" is "manifestly not exhaustive of the matter dealt with in the succeeding Sections, and that it cannot be taken to restrict the plain terms of the Sections", evidently meaning thereby that as "Cart Stands" is expressly referred to in clause (b) of Section 188, a license is necessary for it even if it is not offensive or dangerous. It does not appear that the High Court meant that a Municipality may insist upon a license being taken for

ab. 10
3
I fully agree.
MA 20.11.29.
~~After disposal of the~~
~~matter to the L.C. Com.~~
~~of the~~

for any trade which does not fall under any of the clauses of Section 188.

V.A.
16/11/29

Chairman do not mean

necessary for place where paddy is husked - over crowding can of course be dealt with under the proper section of the Act add.

M.A.
21.11.29

Local & Munl. (1899) Department

CURRENT No. 2850 m



From The Chairman,
Bewada Municipality

Order

No. 1339

Dated 12th October 1898

Received }
Registered } 3rd Nov. 99

Enclosures — one —

Spare copies — nil —

SUBJECT.

Requesting that Government
will be pleased to pass
orders on the subject
of paddy mills in the town
as the Council is of opinion
that no license is necessary
as it is not come under
the category of "offensive
trade" under
the provisions of the
Municipal Ordinance 1880.

BACK PAPERS.

G.O.	No.	Department.	Date.
do	1174	do	17-8-99

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of the Municipal Council, Bezwada,

DATED 26th September 1899.

PRESENT:—

II Read memo dated 13.9.99 from the Chairman Municipal Council Bezwada requesting to propose the following.

(b) Paddy Mills in the town are licensed annually and a fee of Rs 6-0-0 is to be charged under para I of G.O. No. 1174 U.O. 17th August 1898.

Repeated
inquisition

1201 A. Reynolds
Chairman Dehq

True copy /

I agree
Chairman
M.C.

Cuo 2385/11

No. 1339

From

LOCAL & MUNICIPAL DEPT.
THE CHAIRMAN,
BEZVADA MUNICIPALITY.
TO CURRENT No. 2385/11

DATED 12th

DESPATCHED 16

RECEIVED

THE Secretary to Government
Local & Municipal Department
through the Collector
the Divisional Office
Mistna

Sir,

With reference to G.O. No. 1174 M. of
17th August 1899, para I, I have
the honor to inform, that there are
about 70 paddy mills in the
town and there is every probability
of their increase.

2. I placed this subject
before the Council on the 26th ^{Sept} 1899
and the Council is of opinion
that no license is necessary
as it does not come under the
category of offensive and dangerous
trades under section 188 of the

2550/10/99

District Municipalities Act.
Owing to my ill health, I
was not able to attend that
meeting, I think the Council
was mistaken in thinking
that it is not a dangerous
or offensive trade as the subject
was not properly explained.

3. The Deputy Sanitary
Commissioner is of opinion
that paddy husking houses
should be brought under the
control of the Municipal Council
to keep them in a sanitary
condition and unless the
Municipality has a right
to issue a license under section
188 (h & K) of Act 4 of 1884 as
amended by Act III of 1897,
the Council can have no control
over them.

4. The question now before
us is whether these paddy mills
are offensive & dangerous and the
category of "offensive & dangerous
trades" under section 188 is ex-
haustive or only illustrative.

5. I beg to inform that the
Judges of the Honorable High
Court are of opinion that the
heading "offensive & dangerous
trades" is manifestly not ex-
haustive of the matters dealt
with in the succeeding sections.
Nor it can be taken to restrict
the plain terms of the section.
Vide I.L.R. U.S. V. 21, 293
in page 295.

6. I submit therefore that
that Government will be
pleased to pass such orders
as it considers necessary.

I have the honor to be
Sir,

Your most obed^t servant

S. Kripalle
Chairman, M.C.

From

THE CHAIRMAN,

BEZVADA MUNICIPALITY.

To

THE

DATED

DESPATCHED

RECEIVED

NO.

BYPOSTRES.

SUBJECT.

100 is 2385

Forwarded to the

Collector District.

2. ~~Expenditure~~ ^{the} Municipal chairman
in ~~considering~~ ^{the} the ~~Resolution~~ ^{Resolution} should
be ~~cancelled~~ ^{cancelled} as
the ~~matter~~ ^{matter} placed
on ~~hand~~ ^{hand} before
the Council with
proper explanation;
The noise of the
trade to the dust
that would be
scattered in the
atmosphere about
the place of business
make the trade
function offensive if
not dangerous.

H. J. J. J.
By C. M.

23/10/29

