

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 127 W.

DATED 30-1-99.

Q to

[Despatch Abstract.]

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1898) Department.

CURRENT No. 4m



From
The Agent of
the Nilgiris
B & G No. 1161 of 1898

Misc

Order N^o 127 in Misc of 30/1/99

The points raised by the Collector
will be noted for Consideration when the
act is amended at the next opportunity.

V.R.
25/1/99

27/1/99

Dated 20 December

Received

Registered

Enclosures

one

Spare copies

SUBJECT.

District Municipalities
act

To The Collector of the Nilgiris
24/1.31/1899
Suggestions for
certain additional
amendments in
the ———

dejn
Return Amended
dys
27/1/99

25/1/99 2/25/1

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Potacarnum Municipal
Office, 8 Dec 1898

I am

the Chairman
Municipal Council
Potacarnum

To

A Bullockworth Esquire
Collector of the Helgins
Potacarnum

Sir, [Addressing to G.O. No. 1991
M. dated 25 November 1898,
I have the honour to suggest
for your consideration the
advisability of moving the
Government to amend Section
231 (i) (a) "Prevention of infectious
diseases" of the District Muni-
cipalities Act III of 1897
by omitting the words "after
two hours notice" after the
words "may enter at any time".

2. In the case of dan-
gerous infectious disease
time is of the utmost im-
portance, both for saving life
and for segregating or
removing the person suspected
of

of suffering from BACK PAPER.
To wait for two hours is in
my opinion only to encourage
persons unwilling to allow
an inspecting officer into
their buildings or premises,
a fair opportunity of defeating
the objects contemplated by
the Act.

I have the honor to be
Sir,
Yr most Obedt Servant
(Signed) Geo. Hammett
Chairman
(True Copy)

For a J. K. K. K.

4/11/99

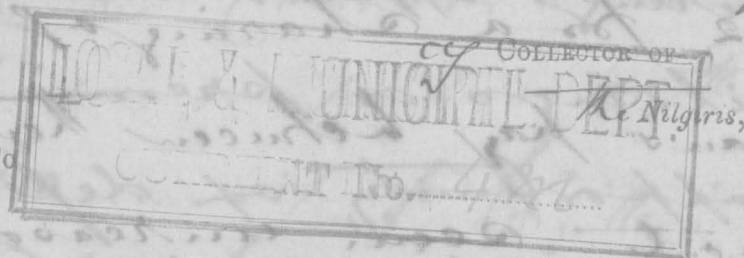
B. & C. Reg. No. 1161 of 1898.

Collector's Office,

Dated, 20 December 1898.

FROM

A. Butterworth Esquire I.C.S.



THE SECRETARY TO GOVERNMENT,

Local & Municipal DEPARTMENT.

Madras.

SIR,

As I observe from G.O.
dated 25 November 1898. No. 1991 M
Local & Municipal, that Government
is bringing in a Bill to amend
the District Municipalities Act,
I have the honor to suggest
that the opportunity be taken
to make ~~the~~ certain additional
amendments in the law.

(1) Section 15 (2). A
question has been raised by the
Chairman Botacarnum Muni-
cipal Council whether the word
'duties' should be read as mean-
ing 'duties & responsibilities'.
I think not, for in Proviso (ii)
to Section 32 'duties' & 'responsi-
bilities' are clearly discriminated.

(2) Section 16 (1). I am

not

not sure whether this sub-section
would prevent a paid fhaidman
arranging with a fhaidman
delegate appointed under
Section 32 for a sharing of
the fhaidman's pay between them.
It does not seem unreasonable
that a paid fhaidman who
wishes to take a month's leave
should hand over part of
the pay to the man who does
his work.

3. Section 39 (4). I presume
that when a fhaidman has
delegated some of his powers
to a secretary he ceases,
to the extent of such delegation,
to be responsible. The point is
not, however, made clear in the
section.

4. Section 63 (v). The question
has recently been raised whether
lands under the management
of the Forest Department are
lands used for public purposes
the Government Pleader who

was

If so there is
no class of
land as
public land
which can be
held to be
exempt under
the section.

was consulted by the Board of
Revenue has answered the
question in the affirmative.
His opinion has been accepted
by the Coonoor Municipal Council
but disputed by the Ootacamund
Municipal Council. The
latter body contends that
lands are not used for public
purposes if the public is excluded
from them & if they are managed,
even practically, with a view
to profit. The Council urge
that the exemption of Forest
lands from taxation gives the
Forest Department an unfair
advantage over private
dealers in Forest produce
and, as a matter of principle,
the view taken by the Ootacamund
Municipality is not unreasonable.
But I do not think that
that body's position is legally
sound. The point should, if
possible, be settled one way
or the other & this could be done
(if Government disagrees with
the

While neither
Section 63 (v) nor
the section are
clearly a separate
public land which
the Council are
pleading in
the section.

the Ootacamund Municipal Council) by adding an explanation to Sub. Section (1) of Section 63 to the following effect:—

"Buildings and lands are used for public purposes within the meaning of this Sub-section when they are occupied, used or managed by any department of the administration."

I may mention that exemption from taxation of all public buildings & lands in the Ootacamund Municipality will somewhat seriously affect its revenues.

5. Section 63 (3). A great deal of correspondence has taken place lately in this District as to what are "lands used solely for agricultural purposes". The Government pleader has finally held that the term excludes lands planted with Coffee, tea & Cinchona. On principle there seems no reason

Why

why these lands should be treated differently from lands sown with potatoes or cereals except that the crop in the former case is generally more valuable. Assuming that Government adopts this view, the matter might be cleared up by an explanation to the effect that the term "lands used solely for agricultural purposes" includes lands cultivated with any plant or tree from the cultivation of which a profit is, or might be, derived. It may be mentioned that the Ootacamund Municipality is threatened with legal proceedings, because it has adopted the view that tea, Coffee & Cinchona lands are not "lands used for agricultural purposes".

6. Section 13. Between the words "Subject to" and the words "Such rules" at the beginning of this section there should be inserted the words "the first proviso to Sec 47 and to".

the Botacarnaud & Co. The duties herein imposed upon the Municipal Council should, in my opinion, be transferred to the Chairman. The control by the Council is purely nominal where this section is frequently worked. For instance, at Botacarnaud large numbers of notices under this section are issued in anticipation of the Council's sanction and are then confirmed en masse by the Council at the next meeting, it being useless to scrutinize and consider each separately, it only for the reason that the particular culvert, trough, building &c is not intimately known to more than one or two members at most.

I have already in my letter of the 2nd November 1888 No. 1004/1888 suggested that clause (iii) of this Section should be enlarged & removed to another part of the Act.

CW 3447 1/28

8. Section 173. well be substituted 'who treated Municipal Council' throughout.

9. Section 173. A case has occurred here where a person excavated a bank which was within his own property but which supported a road, and denied the authority of the Council to prevent him from doing so, although his action endangered the road above. To meet such cases, I long to suggest that the first sentence of Section 173 be altered to run as follows—

"No person shall, without the written permission of the Chairman, make any hole or cause any other obstruction in any street or do anything in proximity to a street which is likely to cause damage to such street."

Certain consequential amendments may be necessary in the rest of the section.

10. Lecture 100. In a

near this section should appear
the provision empowering
the Council to refuse to
permit the construction of a
building on the ground that
its construction would be
detrimental to public health
(See my endorsement dated
31st August 1898 on a letter from
Mr. Kaufman Potacarnum).

I now feel convinced
that Municipal Councils
ought to have this power
in order to prevent towns
growing up in so crowded
a manner as to render the
proper Conservancy of them
impossible.

11. Section 183. Even if a tree is on the point of falling and cannot be secured, the Chairman cannot take action under sub-section (1) & must wait until the Council passes

225

And the Council ^{at present} ~~is very~~ ^{a future}
go onto a certain time to the
owner. Meanwhile, the tree may
fall. I submit that Sub-
Section (2) should be omitted
and that the word "removed"
should be inserted in Sub-section
(1) before the word "fenced".

If this is not approved,
the word "further" should be omitted
from sub-section (2) as it implies
that the Chairman has taken
action under sub-section (1) —
which is not always possible.

12. Section 188. Questions often come up as to how many Carts must stand on a place to make it a 'Cartstand' and as to whether licenses are required for enclosures in which a Cow may happen to be kept. The distinction, too, between 'Horselines' and an ordinary stable is not clear. Again, though Clause (2) plainly refers to yards or pens, it is so worded as to cover Cattle sheds which are

part in clause (b).

This last clause might be amended by inserting at the beginning the words "as a yard or pen."

To meet the other point a second proviso might be added to sub-section (c) empowering the Council to declare how many Carts Cattle and horses must be kept in a place in order that it may be treated as a Cart stand, a Cattle shed or horse-lives for the purposes of Section 188.

13 Section 228 (c). The word "close" might be inserted after "repair". Wells can be closed without being filled up. I note that the Municipal Council can order a well to be filled up under this section without the reference to the District Medical officer required by section 232 A. This seems somewhat inconsistent as a

a ~~time~~ ^{du} apparently ~~1~~ ¹ ~~the~~ filled up under section 228 on the ground that the water is unwholesome, as well as on other grounds. In this section, too, "Chairman" might be substituted for "Municipal Council".

14 Section 231 (d). Ref Chairman Ootacamund Municipal Council proposes to omit the words "after two hours notice". A copy of his letter is enclosed. I agree with what he says.

15. Section 232 A. If a Certificate is to be insisted upon, I suggest that it should be a certificate of the Chief Medical officer of the Municipality and not of the District. As the section stands, the Civil Surgeon Ootacamund could not grant this Certificate.

16. Section 250. A clause might be inserted giving Government power to make rules as to the grant of leave to

See Section 16.

men & in St. Servants.
The question of the grant of
leave to a pair Chairman
has recently arisen in this
district and there seem to
be no rules. Cuo 36/99

17. Section 254. The
question has been raised
whether, in view of the first
proviso to section 47, the receipts
from the water and drainage
tax can be taken into Consi-
deration when calculating
the contributions to be made
under section 254. The point
requires to be cleared up.

18. Section 282 Act. A
Case recently occurred where
a municipal Scavenger was
found doing private Scavenging
work at a time when the
public Scavenging work was
being carried on. He was
prosecuted but acquitted
because there was no proof
that he had actually neglected
his

his ~~own~~ duties. To provide
against such cases in future
it seems expedient to insert
after the words "or any of them"
the words "or undertake any
work except on behalf of the
Municipal Council? There
is no doubt that Municipal
Scavengers do a lot of private
Scavenging work for payment
and it almost necessarily
follows that they neglect
their public duties. This should
I think, be stopped as far
as possible.

Further, I beg to suggest
that the words "without the
written permission of the Chairman
be substituted for the words
"in the absence of a written
Contract."

2. Finally attention
is invited to the various
arrangements referred to
in my endorsement of

Cuo 2847/98 31st August 1898 on a
letter

Letter from the ...
"Ootacamund Municipal
Council."

I have the honor to be,
Sir,
Your Most Obedient Servant

Copies of
Composed.
28-12-98

For By Collectors

When given for copying
When copied
When examined
When signed 30/11

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

RENT 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.

N.B.—
A = Copy in full.
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