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[L. & M. / 5,000—5-4-99.]

Local & Munl. (1899)

MISCELLANEOUS.

G.O., No. 1311 dtd

DATED 11-9-99

G.O. | N

INDEXED.

[Despatch Abstract.]

Cantonments within the Civil Administration of the Govt. of Madras — Recording G.O. Public Dept. communicating to the Dist. Magistrates concerned, for information, letters from the Govt. of India and the Dy. Adjutant-General, Madras Command, regarding the application of the forthcoming Cantonment Code to —, and stating that the further communication promised by the Dy. Adjutant-General will be awaited.

6-9-11

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cur	2438	M/99		1397			
				22-9-99			

Government {1899} of Madras.

PUBLIC.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2311 M

Recd. 31st August } 1899.
Regd. —— a ——

Enclosures nil
Spare copies 6

G.O., No. 900, 12th August 1899. desp

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Misc order № 1311 misc 11/9/99
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Cantonments within the Civil Administration of the Government of Madras.

Communicating to the District Magistrates concerned, for information, letters from the Government of India and the Deputy Adjutant-General, Madras Command, regarding the application of the forthcoming Cantonment Code to —, and stating that the further communication promised by the Deputy Adjutant-General will be awaited.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Read—the following papers :—

From the Government of India, Military Department, dated 12th May 1899, No. 649-C.

Telegram from the Government of India, Military Department, dated 19th May 1899, No. 696-C.

Endorsement of the Local and Municipal Department, No. 630, dated 13th June 1899.

From Major-General P. J. MAITLAND, Secretary to the Government of India, Military Department, to the Secretary to the Government of Madras, Local and Municipal Department, dated Simla, 30th May 1899, No. 762-C.

I am directed to acknowledge the receipt of your letter No 1663-M., dated 26th July 1897, in paragraph 2 of which is proposed the exemption of the cantonments in the Madras Presidency from the operation of the code of rules which it is proposed to issue under section 26 of the Cantonments Act (XIII of 1889).

It is stated that, so far as the Madras Presidency is concerned, the proposed application of the rules should be restricted to places which are *bonâ fide* cantonments, that is to places which are mainly inhabited by troops and their followers, and which would fall into decadence if the troops were removed; and that in the opinion of the Madras Government it would be a serious obstruction to good administration to apply them in their integrity to places in which a small number of troops are quartered within the limits of a municipality, which has an existence and an organisation quite independent of the presence of troops, and is not likely to be affected if they should happen to be withdrawn. It is understood that the Madras Government agree only to the introduction in all cantonments of such rules as deal with matters not provided for by existing municipal laws.

2. In reply I am to say that the views of the Madras Government have been carefully considered, but that the Governor-General in Council is unable to agree to the general exclusion of cantonments in Madras from the operation of the code. It has, therefore, been decided that the rules should be applied to the Madras Presidency, in common with the rest of India, and it will rest with the Governor-General in Council to specially exempt, under sub-section (2) of section 27 of the Cantonments Act, any cantonment from the operation of any of them. In deference, however, to the views expressed by the Government of Madras, it has been provided in the preamble of the notification finally publishing the code of rules, that they will come into force, subject to any orders to the contrary which may hereafter be passed under the provision above referred to, on the 1st October next. Sufficient time will thus be

given to consider any cases in which exemption from the operation of the rules may specially be desired, and also the degree of exemption which is to be allowed, before the code is finally published. I am to observe that Cantonment Magistrates must be appointed to all cantonments under section 5 of the Cantonments Act, as directed in Military Department No. 1417-C., dated 3rd August 1896, and therefore the complete exemption of any cantonment will not, it is considered, be practicable. On the other hand, a severance of cantonment from municipal areas is desirable, whenever this can be effected The Lieutenant-General of the Command will be asked to submit proposals, after consulting the Government of Madras, for the exemption of cantonments from the operation of the code and for the separation of cantonment and municipal areas, and the Government of India will consider any remarks which the Governor in Council may have to make on the proposals.

3. The remarks and suggestions contained in the remaining part of your letter under acknowledgment have also been carefully considered.

No. 645.

Transferred to the Public Department.

(Signed) A. EDGINGTON,
Ag. Assistant Secretary.

16*ih June* 1899.

From the Deputy Adjutant-General, Madras Command, to the Secretary to the Government of Madras, Local and Municipal Department, dated Ootacamund, 27th June 1899, No. B.—C. 9840.

With reference to the Government of India (Military Department), No. 762-C., dated 30th May 1899, to your address regarding the application of the forthcoming Cantonment Code to cantonments situated within the civil administration of the Government of Madras, I am desired to submit herewith a copy of letter, No. 2100-B., of the 12th instant, from the Quartermaster-General in India and to state that as soon as the reports of the General Officers Commanding Belgaum, Madras and Southern districts on the subject are received, a further communication will be made to Government.

Enclosures.

From Brigadier-General ALFRED GASELEE, Officiating Quartermaster-General in India, to the Lieutenant-General Commanding the Forces, Madras, dated Simla, 12th June 1899, No. 2100-B.

With reference to letter marginally noted, regarding the application of the forthcoming Cantonment Code to cantonments situated within the civil administration of the Government of Madras, I am dire ted by the Commander-in-Chief to request that you will be good enough to consult that Government, and thereafter submit to this department the report referred to in paragraph 2 thereof. His Excellency desires me to offer the following observations as showing the views which have hitherto been held at Army Head-quarters, and also as being likely to afford you assistance in dealing with the case.

Military Department No. 762-C., dated 30th May 1899.

2. Dealing first with the question of excluding from the limits of municipalities those cantonments which are at present included therein, a course which you will observe the Government of India deem desirable wherever practicable, I am to enclose, for your perusal, this office file of correspondence noted in the margin. You will observe from the correspondence which took place on the subject during the years 1884—86 that the opinions then held in this department on the general question were briefly as follow :—

Case Diary No. 916 of 1888, "Cantonment —Funds."
(Return requested.)

(*a*) That, as in consequence of an alteration in the law relating to cantonments, all taxation in cantonments could be legally levied, assessed and collected by the cantonment authority under the Cantonments Act (thus making the inclusion as hitherto of cantonments within municipalities for fiscal reasons no longer necessary) this should be done, and that no intervention or authority of a municipal board in a cantonment was either necessary or desirable.

(*b*) That wherever a separate collection of taxation, common to both the municipal and cantonment areas, might cause inconvenience to the general public, this should be carried out by a joint committee.

(*c*) That as the interest of the cantonment were in nowise represented in a municipal body, the investment of a municipal board with authority to levy, assess or collect taxes in a cantonment was detrimental to cantonment interests.

There is also the additional important point, that, as a rule, a very much higher standard of sanitation is achieved in cantonments than in municipalities.

The above views were accepted by the Government of India, the whole of the cantonments in the Bengal Presidency which at the time were included within municipal limits were formally excluded therefrom, and the taxes which had formerly been levied therein were reimposed under the direct authority of the then Cantonments Act of 1880 (III of 1880).

3. You will observe that the Commander-in-Chief of the Madras Army, in his letter, No. 1639-B., dated 17th July 1885, in accepting the above principles as regards the cantonments of Kamptee (Nagpur) and Raipur (both of which cantonments were then included in the Madras Command), remarked as follows:—

> For some years past the conflict of cantonment and municipal intervention in this Presidency proper has engaged attention, but no decided steps have been taken regarding the separation of cantonments from municipalities, because the general question of cantonments and their laws, etc., was known to be under the consideration of the Government of India; now, however, that action in the matter is being taken in the Bengal Presidency, I propose reopening the question in this Presidency, and would therefore be glad to be favoured with a perusal of the whole correspondence mentioned in the last paragraph of your letter under reply.

The papers asked for were at once supplied to the Commander-in-Chief, Madras Army, but nothing further was heard on the subject until April 1896, when the Government of India in the Military Department referred for the Commander-in-Chief's opinion a recommendation from the Government of Madras, that the cantonments marginally noted should be exempted from so much of section 5 of the Cantonments Act (XIII of 1889) as requires that there shall be a cantonment magistrate for each cantonment. This recommendation was, on His Excellency's advice, negatived by the Government of India, who were of opinion that cantonment magistrates must be appointed to all cantonments under section 5 of the Cantonments Act, as otherwise many of the rules in the Cantonment Code would be without effect; this view of the case is, it will be observed, still held by the Government of India.

Bellary.	Calicut.
Cannanore.	Berhampur.
Trichinopoly.	

Military Department No. 1417-C., dated 3rd August 1896 (Quartermaster-General's No. 2680-B., dated 3rd August 1896).

4. Again in September 1898, the Government of Madras, in reply to a reference from the Government of India in the Military Department, stated that there was no objection to the proposals submitted by the Lieutenant-General Commanding the Forces, Madras, for the definition of the boundaries of the Berhampur cantonment, provided the cantonment continued to be treated as a part of the municipality for purposes of taxation and administration, sanitary and otherwise. The Government of India, in replying to the Government of Madras approved of the definition of the boundaries of the Berhampur cantonment as proposed; but considered it desirable to exclude the cantonment from municipal limits, promising a further communication on this latter point which may possibly have reached you. It would thus appear that up to that time very little advance, if any at all, had been made during the thirteen years which had elapsed since the letter of Sir F. S. Roberts (now Lord Roberts), referred to in paragraph 3 above, was written.

Military Department No. 3142-M.W., dated 10th November 1898.

5. The whole question has, however, as you will observe, been reopened by the Government of Madras. It is unnecessary to recapitulate here the views of that Government, but *primâ facie* it appears to the Commander-in-Chief that if the views hitherto held in the Quartermaster-General's department, and which on general grounds he sees no reason to dissent from, are adopted, and the cantonments in question are excluded from municipal limits, the objections of the Local Government will be removed. It may perhaps be urged that the military areas in certain of the cantonments in question are not conterminous, and that, therefore, it would be difficult to exclude these areas from municipal limits and deal with them as a cantonment. This is, however, not an insuperable difficulty, and although the cases are exceptional, yet even in Upper India there are cases in which the cantonment consists of two or more separate areas with portions of the municipality intervening, and no difficulty in administration is experienced; there is also the still more exceptional case of Secunderabad.

6. The Commander-in-Chief requests that careful enquiry may be made into the circumstances of each of those cantonments within the administration of the Government of Madras, which are at the present time included within municipal limits, and whose fiscal, sanitary and general administration, apart from matters purely military, still remain vested in the municipal board, with a view to ascertaining whether there are any really adequate reasons for continuing arrangements which it would appear the Cantonments Act was specially designed to put an end to.

7. Although, as stated above, the Commander-in-Chief is at present inclined to the opinion that all the cantonments in question should be excluded from municipal limits and be in future administered by the military authorities under the Cantonments Act as elsewhere in India, yet there may be instances in which an exception should be made, and His Excellency is prepared to give any such case the fullest consideration. There may perhaps also be cases in which it may be argued that the Code of Cantonment Rules is far in excess of the particular requirements of any military area or areas at present included within municipal limits; but, on the other hand, it must be remembered that even if there be no likelihood of any particular rule being required, yet its application to the cantonment can do no possible harm (the rule remaining dormant), while the administration from Command Head-quarters would be made more difficult were a separate and different selection of rules applied to each cantonment. Moreover, with the constant change of *ex-officio* cantonment magistrates, there is a grave possibility under such an arrangement of serious mistakes being made in the shape of the illegal enforcement of some rule which might not have been extended to the particular cantonment.

8. With regard to those cantonments which are not included within the limits of municipalities but which have hitherto been administered under the Cantonments Act and the rules continued in force thereunder, the remarks in the preceding paragraph apply *mutatis mutandis*, and it appears to His Excellency that administration would be simplified and the legal enforcement of rules safeguarded by making the *whole* of the rules contained in the Cantonment Code applicable to them.

9. I am to add that the Commander-in-Chief attaches much importance to the early settlement of this case, and that His Excellency will, therefore, feel obliged if you will kindly arrange to have the matter treated as urgent. His Excellency's views, as above stated, should be communicated to the Government of Madras, and any exemptions which you may desire to recommend should be clearly detailed so as to obviate delay. The opinion of the Local Government should also be forwarded.

From G. S. FORBES, Esq., I.C.S., Secretary to the Government of Fort St. George, Local and Municipal Department, to the Secretary to the Government of India, Military Department, dated 26th July 1897, No. 1663-M.

I am directed to reply to your letter of the 10th December 1896, No. 2311-C., inviting an expression of opinion on the draft Cantonment Rules proposed to be issued under section 26 of the Cantonments, India, Act XIII of 1889.

2. The suggestions made by the authorities who were consulted are contained in the papers enclosed, which will in due course receive the consideration of the Government of India. Before inviting attention to certain points in the rules, which seem to deserve more special notice, His Excellency in Council would offer, for the consideration of the Government of India, a few general observations regarding their application. His Excellency in Council considers that, so far as this Presidency is concerned, the application of the rules should be restricted to places which are *bonâ fide* cantonments, that is to places which are mainly inhabited by troops and their followers and which would fall into decadence if the troops were removed. It would, in the opinion of this Government, be a very serious obstruction to good administration to apply them in their integrity to places in which a small number of troops are quartered within the limits of a municipality, which has an existence and an organisation quite independent of the presence of the troops and is not likely to be materially affected if they should happen to be withdrawn. Most of the military stations in this Presidency fall under the latter class and, in such cases, any arrangement which would amount to the establishment of an *imperium in imperio*, and which would lead to the employment of one body of persons to conduct the civic administration within the cantonment limits and of another body to conduct it within the more considerable and more important surrounding municipal limits will be of no real advantage; on the contrary, His Excellency in Council believes that it will be productive of harm, for it will weaken the municipal administration which it is most desirable to strengthen. His Excellency the Governor in Council is of opinion that in such places in regard to all questions of sanitation, the maintenance of roads, the provision of water-supply, the enforcement of vaccination and other matters which are covered by the ordinary municipal law, the existing system should be maintained, whereby the administration lies with the municipal council, strengthened to such extent as may be deemed desirable by the military authorities, whose wishes in this matter this Government would readily accede to, by the nomination to it of the Commanding Officer of the cantonment or of one or more officers named by him. Under clause 2 of section 27 of the Act it would appear that the application of the rules is in the direction of the Governor-General in Council; and accordingly in view of the circumstances which have been explained, and of the fact that there are no large cantonments in this Presidency to which the whole of the rules can suitably be applied, this Government trusts that before the rules which may be made under the Act are notified as operative, it may be consulted fully as to the extent to which they should be given effect in all the cantonments under its jurisdiction. In order thereto, it would appear necessary that the rules themselves shall contain a provision enabling them to be applied in whole or in part in any cantonment as may be decided to be advisable. I am to add, so that the position may be clear, that this Government has no objection at all to the introduction in all cantonments of those rules which deal with matters not provided for by the existing municipal laws.

No. 743.

Transferred to the Public Department.

14*th July* 1899.

(Signed) A. EDGINGTON,
Ag. Assistant Secretary.

Order—No. 900, Public, dated 12th August 1899.

Communicated to the District Magistrates concerned for information.

2. The further communication promised by the Deputy Adjutant-General, Madras Command, will be awaited.

(True Extract.)

for *Chief Secretary.*

To the District Magistrate, Bellary.
" " Trichinopoly.
" " Malabar.
" " Nilgiris.
" " Ganjám.
" " Vizagapatam.
" " Chingleput.
" Judicial Department.
" Local and Municipal Department.

Exd. A. F. Eccleston.

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ENT 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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