

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 770 m

DATED 30-5-99

INDEXED.

[Despatch Abstract.]

Free Communicating to the P.W.D.
letter from the Chairman, M.C. Calicut
exempting the Madras Railway Company
from payment of scavenging — by the
Municipality

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. (1899) Department.



CURRENT No. 970 m

Meeting
17/4/99

Q 1220

No 424 of 15-4-99

Order

Referred to the Municipal Council of Calicut for remarks, which should be submitted through the Collector.

7/4/99

(By order)

A Edgington
Ag Assistant Secretary.

From

The Public Works Department
Railway Branch

No. 142 R. Mo.

Dated 5th
Received 6th April 99

Registered 8th

Enclosures 2

Spare copies nil

SUBJECT.

To
The Chairman, M.C. Calicut.

Transferring letter from the Agent and Manager Madras Railway, requesting that the M.C. may be directed to issue a notification under Sec 217 of the Government Act as to the payment of scavenging fees by the Company to the Calicut Municipality.

BACK PAPERS.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CN^o 970m and 1318m

In order No 770 mms 830/5/99
The letter from the Chairman

of the Municipal Council of Calicut
read above will be communicated to
the Public works Department

V.R.
20/5/99

26.5.99

For Mr. L. J. S. S. S.

To The Public works Department.
Dated 26/6/99

No 336.

Municipal office,

Calicut, 23rd February 1899.

From

The Chairman,

Municipal Council,

Calicut

To

The Medical officer,

Madras Railway,

Rayapuram.

Reference:—

your office letter dated 15-2-1899.

Sir,

With reference to your letter dated 15th inst,
I have the honour to point out that section 214
of act II of 1884, as amended by act III of 97 is a
purely permissive one and that the system therein
described comes into operation only after a notifica-
tion has been published under that section. As this
Municipality has published no such notification,
that section does not apply in the present case.
The company will have therefore to pay the
fee which it has all along been paying for
the removal of nightsoil to the cinerator

Three

From
MADRAS RAILWAY.
The Agent and Manager,
M. R. Co.,
To
The Consulting Engineer
for Railways.
Dated
188
Recd.

three miles off or make its own arrangements for removing the same to a place where the highroad will not be felt as a nuisance by any one.

With reference to para 14 of your letter, I may inform you that the Municipality does not in any way debar the Company from enjoying all the privileges which its other rate payers enjoy.

I have, etc.

(sd) J. A. Zachariah.
for Chairman.

(True Copy)
D. Williams
for Chief Clerk.

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side.]

[Faint handwritten notes.]

[Handwritten signature/initials.]

SIR,
To
The Agent and Manager,
Madras Railway Company,
MADRAS,
188

AGENT AND MANAGERS' OFFICE,
MADRAS RAILWAY.

No.

9235
325

MADRAS RAILWAY.

AGENT AND MANAGER'S OFFICE,

MADRAS, 25th March 1889.

From



The Agent and Manager,

Madras Railway Company,

To

The Consulting Engineer for Railways.

SIR,

Madras.

I have the honor to bring to your notice that this Company has been paying scavenging for to the Calicut Municipality at the rate of Rupees four per mensem for several years past.

My attention, however, has just been drawn to the matter and I find that the Municipality is not justified in charging these fees against the Company.

Section 217 of Act II of 1884 as amended by Act III of 1896 provides that, the Municipal Council may by notification require all occupiers of buildings * * * with whom no contract for removal of night soil * * * has been made under Section 218 to provide

2839

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2839

b²

provide moveable receptacles * * for the temporary deposit of night soil * * and may further require that such receptacles shall be in readiness * * for the removal of the contents thereof, free of charge, by the Municipal servants, &c. -

Section 218^D provides that, "The Chairman may Contract with the occupier of any building or land to remove night soil from latrines or Cus-pools * * on payment of fee at such rate or rates as the Municipal Council may have prescribed with the approval of the Governor in Council." -

The Municipality claims the payment of the fee levied under Section 218, but we contend that the Municipality does not perform, for this Company, the services contemplated by this Section. The Company employs its own staff of scavengers for the cleansing of its latrines and it has provided the moveable receptacle referred to in Section 217^D for the temporary deposit of night soil, and the only service the Municipality performs is the removal of the night soil from these receptacles which we

Contend

at the same time the Municipality is bound to do
free of charge under Sections 216 and 217
of the Act.

I enclose copy of letter No. 326 dated
23rd February 1899 from the Chairman,
Municipal Council, Calcutta in which
it is stated that "Section 217 of Act
III of 1884 as amended by Act III of 1897 is
a purely permissive one and that the
system therein described comes into opera-
tion only after a notification has been
published under that Section. As this
Municipality has published no such
notification, that section does not apply
in the present case. The Company will
have therefore to pay the fee which it
has all along been paying for the re-
moval of night soil to the Cinerator
three miles off, or make its own
arrangements for removing the same
to a place where the night soil will not
be felt as a nuisance by any one."

I shall be glad if you
will kindly move the Government
to pass such orders as will ensure
the Municipality issuing the necessary
notification.

From

MADRAS RAILWAY.

The Agent and Manager,

M. R. Co.,

The Consulting Engineer

for Railways.

To

Dated

188

No.

84

Dear

Adm. March.

Encls: 1

From

The Agent and Manager.

 T_0

The Consulting Engineer

for Railways.

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Dated _____

Recd.

No.

BACK PAPERS

verification, or except the Company from
the payment of the fare in question.

I have the honor to

Very respectfully,
Yours,
J. H. M. S. S. S.

No. 188
The Agent and Manager,
M. R. Co.,
The Consulting Engineer
for Railways.

1/970/m/99

Form No. 5.

9
No. 142 R.M.

Government of Madras.

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

MEMORANDUM.



LOCAL & MUNICIPAL DEPT.
CURRENT NO. 970m

Dated Madras, 5th April 1899.

Letter from the Agent and Manager, Madras Railway, dated
25th March 1899, No. 9235/325, with enclosure.

Transferred to the Local and Municipal Department.

J. H. M. S. S. S.
Under Secretary.

To,

The Local and Municipal Department.

CR

W. H. The Collector of Malabar

Local & Munl. (1899) Department.

CURRENT No. 13187M

Order

From

The Chairman
Municipal Council
Calicut

No. 772

Dated 3rd May 1899

Received - MAY 1899

Registered - MAY 1899

Enclosures 3

Spare copies nil

SUBJECT.

Submitting copy of a
resolution of the
municipal council Calicut
passed at its meeting
held on the 26th April 1899
directing the publication
of a notification under section
217 of the municipal act and
exempting the Railway Company
from payment of leavey
fee to the municipality.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extract from the Proceedings of the
municipal Council Calicut passed
at a meeting held on the 26th April 1897.

Present

Dr. R. R. P. Shewethay also Kaiden Garu. B. A
Chairman.

6. Sambasiva ^{dyer} alb
dyer Rejo trar

I. Mathai
Sub Assistant Inspector of Police

u P. Karunakara menon vol

Dr. W. Stoller

Mr. Q. Q. Mr. A. Subramaniam & Co. vol.

" D. Ganpat Rao and B B

u K. Nagappan van B19, B2.

u B. Kawara men on vol.

" Cooverjee Andeshin "

Dr. Kuthomed Sahib

B. V. Tambichi nammod Sahib

4) Read ^{Memo} G.O. No. 424 dated 15th April 1899 referring to the municipal Council Calicut, for New ards letter from the Agent and manager Madras Railway, requesting that the municipal Council of Calicut may be directed to issue a notification under Section 217

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of the municipal act, or that
the company may be exempted
from payment of scavenging
fees to the municipality.

A notification under
Section 217 of the municipal
act will be issued and the
Railway company exempted
from payment of fees.

Carried by majority.

(sd) P. Theenathayalu Naidu
Chairman

(True Extract)

P. Theenathayalu

Chairman
3-5-99

947
3/5/99

1318/m/99

Municipal Office
Calicut 3rd May 1899

From, M. A. R.

LOCAL & MUNICIPAL DEPT.

CHARTER 1318 M

P. Theenathayalu Naidu Esq. B.A.
Chairman, Municipal Council,
Calicut

The Secretary to Government
Local & Municipal Department
Fort Saint George, Madras

Thru the collector of Malabar
Calicut

Sir,

With reference to your
endorsement No 424 dated 15th April
1899 on memorandum dated 5th April
1899 No 142.R.M. from the Public Works
Department Railway Branch herewith
returned, I have the honor to forward
herewith copy of a resolution of the
municipal council Calicut passed at
its meeting held on the 26th April 1899
from which it will be observed that
the Council has resolved to publish
a notification under Section 217 of Act
IV of 1884 as amended by Act III of 1897
and to exempt the Madras Railway
Company from payment of scavenging fees
to the municipality.

I have the honor to be,
Sir,

Yours most obedient servant

P. Theenathayalu
11.5.99
Chairman

947
3/5/99

1318/m/99

London Cus. 189 298

Discontinued

F. Keenwick

45-81

Alcock & Co. Ltd.
10.5.99

or.

When given for copying _____
When copied _____ 189
When examined _____
When signed _____ 1/6

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DETTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied
- P = Copy abstract only.
- Q = Copy heading only.