

Legislative (1895) Department.

ORDINARY PRINTED.

G.O., No. 120

DATED 12th Nov. 1895

8/9

[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.

*Bill to amend Act IV of 1884
The Madras Municipalities Act*

*Copy to the Local Board
for the purpose of
obtaining their views
on the proposed
amendment of the
Municipalities Act
of 1884.*

ORDINARY, PRINTED.

Legal
G.O. DATED 12. 11. 95
No. ~~120~~ 120.

Ordered

First copy sent to Press. 14/11.

Despatched for signature 9. 12. 95

Despatched in print 9. 12. 95

[Despatch Abstract]

Bill to amend Act IV of 1884
(The Madras Municipalities Act)

*Copy to the Local Board
Procs. L.M. Dept regarding
certain additions to section
28 of Act IV of 1884 in
regard to the acquisition of
land required by Municipal
bodies & Local Board.*

GOVERNMENT OF MADRAS
18. No.

15
FURTHER PAPER, No.

of 13

Govt. of {1895} Madras
LEGISLATIVE.

Press.

Read Ltm go. 738 L 27 30.4.95

Read Ltm go. 2139 L 27 7.11.95

then the Legre Order.

In go. 738 L 27 30.4.95

Read letter from the collr in full
of Board's Resoln. of AG's
Encl. & then the order.

In go. 2139 L read AG's

Letter of 25 July in full, with
its Enclosure. Ltm Encl. 1310

16.9.95

then the letter from AG of 1-10-95

then the order.

CRV
15/11.

Issued

Recd.

Encl.

G.O., No. 120, 12th November 1895.

NOVEMBER.

Bill to amend Act IV of 1884 (The
Madras District Municipalities Act.

Communicating to the Legislative Council
Proceedings, Local and Municipal Department,
suggesting certain additions to section 28 (2) of
Act IV of 1884 in regard to the acquisition of
land required by municipal bodies and local
boards.

B/

ities

m/L

NUMBER OF COPIES REQUIRED:
Order complete.
Letter only.
Order complete with Letter.

N.B.—
A = Print in full.
B = Not to be printed.
C = Print abstract only.
D = Print heading only.
E = Print, but not for publication.

ORDER OF GOVERNMENT, DATED
16, No.

FRONTIER PAPER, No.

021. K. A.

Press.

Read Ltm go. 738 L 27 30.4.95

Read Ltm go. 2139 L 27 7.11.95

then the Legre Order.

In go. 738 L 27 30.4.95

Read letter from the collr in full
of Board's Resoln. of AG's
Encl. & then the order.

In go. 2139 L read AG's
Letter of 25 July in full, with
its Enclosure. Ltm Encl. 1310
16.9.95

then the letter from AG of 1-10-95
then the order.

CRV
15/11.

Number of copies required.
Order complete.
Letter only.
Order complete with letter.

A = Print in full.
B = Not to be printed.
C = Print abstract only.
D = Print heading only.
E = Print, but not for printing.

Govt. of {1895} Madras LEGISLATIVE.

Issued

Recd.

Encl.

G.O., No. 120, 12th November 1895.

NOVEMBER.

Bill to amend Act IV of 1884 (The Madras District Municipalities Act.

Communicating to the Legislative Council
Proceedings, Local and Municipal Department,
suggesting certain additions to section 28 (2) of
Act IV of 1884 in regard to the acquisition of
land required by municipal bodies and local
boards.

B/

ities

m/ L

Press. Review
Reprint off 25 copies for signature.
+ 35 spare copies of this go.

Also - 80 copies with paper docket
only with paper up as 100.

CRV
29/11.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

Read—the following papers:—

G.O., Mis. No. 738 L., dated 30th April 1895.

Read—the following papers:—

From W. J. H. LE FANU, Esq., Collector of Górávari, to the Secretary to the Commissioners of Land Revenue, Madras, dated Cocanada, 3rd December 1894, No. 1865-Eng.

In paragraph 11 of the revised Board's Standing Order, No. 11, it is laid down that if awardees are present, payment should be made immediately on making an award. This is not possible in cases where lands are acquired for local and municipal bodies as the Collector or the Divisional officer cannot, under the existing rules, make payment until the Local Fund Engineer or the Municipal Chairman issues a cheque for the amount of the award. If the new Board's Standing Order is to be strictly carried out in the case of local and municipal bodies also, the estimated cost of acquisition must be placed at the disposal of the awarding officer, before he actually makes an award, so as to enable him to make payment as soon as he passes an award. But such payments in advance cannot be made by those bodies without the previous sanction of the Local Government (*vide* rule 16 of the rules on page 212 of the Civil Account Code, Volume I, 5th Edition).

2. The sanction of Government for adopting the above procedure was once before this applied for, but the Government simply communicated the Accountant-General's opinion that no change in the procedure laid down in Local Fund Public Works Rule 75 was called for (*vide* correspondence ending with Board's Proceedings, Mis. No. 4647, dated 20th August 1894).

3. Under the above rule the Local Fund Engineer issues a cheque for the amount covered by each award, only after he receives a copy of the award. But what is now wanted is that the estimated cost of acquisition should be placed at the disposal of the awarding officer before the several awards in respect of the work are passed.

4. I have, therefore, the honour to request that the Board will be pleased to address the Government again on the subject or to modify the new Board's Standing Order so far as the local bodies are concerned.

Proceedings of the Board of Revenue (Land Revenue), Mis. No. 131, dated 15th January 1895.

Endorsement by the Accountant-General, dated 13th March 1895, No. 699-L.F.D.

Order—Mis. No. 738 L., dated 30th April 1895.

The Accountant-General will be requested to state whether a general order applicable to all municipalities and local boards such as that proposed by the Collector of Górávari can be issued by Government under rule 16 of the rules on page 212 of the Civil Account Code, Volume I. It would appear from the wording of that rule

Submitted for Mr. S
approval

CRV
23/11.

Yes
18/11

that the procedure therein allowed should be adopted only in particular cases. If there is no objection to the issue of a general order, the Accountant-General should submit a draft for the approval of Government.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Accountant-General.

G.O., Mis. No. 2139 L., dated 7th November 1895.

Read—the following papers :—

From F. C. HARRISON, Esq., C.S., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 25th July 1895, No. 189-L.F.D.

In reply to G.O., Mis. No. 738 L., dated the 30th April 1895, requesting me to submit, if there is no objection, a draft of a general order bearing upon the acquisition of land for local funds and municipalities, I have the honour to observe that the present procedure is prescribed by the orders of Government marginally noted.

2. I may, however, point out that paragraph 16 of Appendix C of the Civil Account Code apparently contemplates that orders should be passed in each case. There may be cases of small importance where it is hardly necessary to pass the accounts through the Collectorate. Moreover, Government will not by a general order save a reference in each case, for the amount of compensation has to be paid under the rules "on such dates and in such instalments as the Local Government may direct." No order can be passed to cover all such cases, for obviously account must be taken of such varying considerations as the total payable, the rapidity with which awards are made, and the financial position of the local body.

3. I enclose, however, two draft orders, but would suggest some sort of preamble as the following :—

"When a Municipality Local Board desires to acquire land, it should obtain the order of Government as to the method to be followed in the acquisition. In such cases in which the Government decides that the land should be acquired as if for Government, the Engineer &c."

ENCLOSURE.

DRAFT ORDER.

(1) For Local Boards.

Substitute the following for corrigendum No. 229 :—

The Engineer should pay the estimated cost of the compensation in advance to the "Collector" appointed by Government on such dates and in such instalments as the Government may in each case direct, and should obtain from the "Collector" in the first instance a receipt for each such payment, and subsequently, as awards are made, orders investing the land in the local board. The payments made should be taken by the Engineer to the service head concerned, but should be entered by the Audit branch in the Objection book under "Items adjusted but awaiting final clearance" and the clearance of them by orders investing the land in the local board or otherwise carefully watched, any delay in the receipt of such orders being brought to notice.

(2) For Municipalities.

When land is acquired for a municipality, the Chairman shall pay the estimated cost of the compensation in advance to the "Collector" appointed by Government on such dates and in such instalments as the Government may in each case direct, and shall receive from the "Collector" in the first instance a receipt for each such payment, and subsequently as awards are made, orders investing the land in the municipality.

The payments made will be taken to the service head concerned in the municipal books, and will also be entered in a special register in which the adjustment of them by orders investing the land in the municipality or otherwise will be recorded. This register should be periodically reviewed by the Chairman and delay in the receipt of orders from the "Collector" brought to his notice.

No. 1310.

MEMORANDUM.

Section 31 (i) of the Act appears to require that payment should, if possible, be made at once.

The Accountant-General will be requested to report whether there are any objections to a simpler system being introduced under which the "Collector" under the Act should pay the parties at once from the Government treasury, and afterwards recover the amount from the local bodies. The money paid could perhaps be debited as an advance recoverable, and could be adjusted in the next, if not in the same, month's treasury accounts with little correspondence.

FORT ST. GEORGE,
16th September 1895.

(Signed) J. F. PRICE, W. Francis
Chief Secretary.

To the Accountant-General.

From F. C. HARRISON, Esq., C.S., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 1st October 1895, No. 311-L.F.D.

In reply to Under Secretary's memorandum, No. 1310, dated 16th September 1895, on the subject of the acquisition of land by local bodies, I have the honour to say that if Government desires a simpler system, it would probably be better to lend a Government officer to the local body, in which case Government could prescribe its own rules under the Acts applicable. Otherwise, Government money being employed, the procedure laid down in Appendix C to the Civil Account Code is obligatory. If, however, Government will indicate the modification it desires to introduce in the present rules, I will enquire of the Comptroller-General whether its wishes can be met.

Order—Mis. No. 2139 L., dated 7th November 1895.

The Government considers that the adoption of the course proposed by the Collector of Gódavari and recommended by the Board would involve a considerable increase in correspondence, and is therefore to be deprecated.

2. The simplest method of reaching the object in view would probably be to empower the "Collector" under the Act to draw the money required for the acquisition from the funds placed in the local treasury to the credit of the local body concerned. This course is, however, apparently at present inadmissible under the wording of section 28 (2) of Act IV of 1884 and sections 54 (2) and 56 (2) of Act V of 1884.

3. The Legislative Department will accordingly be requested to consider the desirability of adding to section 28 (2) of Act IV of 1884, in the draft Bill to amend that Act, the words :—

“Provided that if the Municipal Council shall have given previous authority in writing, such treasury or bank may at once pay out of such fund without such order Council.”

4. Similar additions will be made to sections 54 (2) and 56 (2) of Act V of 1884, when it comes up for amendment.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Board of Revenue.
" Accountant-General.
" Legislative Department.

ORDER—No. 120, Legislative, dated 12th November 1895.
Communicated to the Legislative Council.

(True Extract.)

*Ag. Under Secy. to Govt.
for Chief Secretary*

*To the Honble members of the Legislative Council
" Local and Municipal Department*

**Govt. of {1895} Madras
LEGISLATIVE.**

Issued

Recd.

Encl.

G.O., No. 120, 12th November 1895.

NOVEMBER.

**Bill to amend Act IV of 1884 (The
Madras District Municipalities Act.**

Communicating to the Legislative Council
Proceedings, Local and Municipal Department,
suggesting certain additions to section 28 (2) of
Act IV of 1884 in regard to the acquisition of
land required by municipal bodies and local
boards.

B/

cities

m/L

300
Govt. of {1895} Madras.

Local and Municipal Department.

To

The Legislative Dept

Order of 12-11-95. No. 119.
Ps.

Communicated to the Legisla-

Recd 11/11/95
Proceedings, dated 7th November 1895,
No. 2139

Subject.

Lands

Deprecating, with remarks,
the adoption of the
course proposed by the
Collr of Madhavani in
regard to the acquisition of
— for local Bodies

Note: This will also be printed as a
paper and laid on the table as usual

CRV
11/11

To the Honble members of the Legovi
Council
" " L & M Dept
11/12

138
on behalf of the Municipal Council."

4. Similar additions will be made to sections 54(2) and 56(2) of Act IV of 1884 when it comes up for amendment.

(True Extract)

W. D. Phillips
Asst. Secretary.

for Chief Secretary.

2.

The Board of Revenue.

" Accountant General.

" Legislative Deptt.

of the Course proposed by the Collector of Godavari and recommended by the Board would involve a considerable increase in correspondence, and is therefore to be deprecated.

2. The simplest method of reaching the object in view would probably be to empower the "Collector" under the Act to draw the money required for the acquisition from the funds placed in the local Treasury to the credit of the local body concerned. This course is however apparently at present inadmissible under the wording of section 28(2) of Act IV of 1884, and sections 54(2) and 56(2) of Act IV of 1884.

3. The Legislative Department will ^{accordingly} be requested to consider the desirability of adding to section 28(2) of Act IV of 1884, in the Draft Bill to amend that Act, the words:—
"Provided that if the Municipal Council shall have given previous authority in writing, such Treasury or Bank may at once payout of such funds without such order and expense which the Local Government has incurred on

Local and Municipal Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

G.O. N^o 738 Lthis. d^y 30th April 1895, requesting the Accountant General to state whether a general order applicable to all Municipalities and local boards such as that proposed by the Collector of Godavari can be issued by Govt. under rule 21 of the rules on page 214 of the Civil Account Code Vol. I in regard to the acquisition of lands required by them.

Letter from the Accountant General, dated 25th July 1895 N^o $\frac{248}{189}$, submitting drafts of a general order bearing upon the subject of payment of compensation for lands acquired for local fund and municipal purposes.

Order N^o 2139 Lthis. d^y 7th Novem^r 1895.

The Government considers that the adoption

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O. No. 139

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESTRUCTION IN ORIGINAL

N.B.—

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

NUMBER OF COPIES REQUIRED. { Order complete.
Letter only.
Order complete with Letter.