

(1) Number of pages_____

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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

Back No. 359-341

G.O. No.	2579	Press
B.P. No.		Mis.
Dated	19-9-	1876
		195

Original

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
19th September 1876. No 2,519.*

No 339. Read the following letter from Colonel H DRUMMOND, R E ,
Deputy Secretary to the Government of India, Public Works Department,
(Railway,) to Major-General G W WALKER, R E , Secretary to the
Government of Madras, Public Works Department, (Railway,) dated Simla,
1st September 1876, No 2,224-R —

REFERRING to the correspondence ending with Madras Government letter No 421
of the 16th February 1876, I am directed to forward, for the information of His Grace
the Governor in Council, copy of a despatch from the Secretary of State, No 73
Railway, dated the 20th July 1876, communicating remarks and orders relative to the
objection of the Madras and South Indian Railway Companies to pay rents for lands on
which dwelling-houses for drivers and other of their servants have been built

2 I am directed to say that unless special notice was taken at the time of the
liability of the Railway Companies to give back to Government the surplus Class A
lands on which the dwellings were allowed to be built, rent for the land built upon
need not now be claimed. In other respects, however, the procedure laid down
in Government of India letter, No 1,619-R, of the 15th July 1874, should be followed,
and all surplus land in Class A should be returned at once to Government

3. I am at the same time to invite attention to the decision of the Secretary of
State that only very exceptionally can workmen's dwellings be regarded as conveni-
ences for which Government is bound to provide land free of cost

Despatch from the Most Honorable the Marquis of SALISBURY, Secretary of State for India,
to His Excellency the Right Honorable the Governor-General of India in Council,
dated India Office, London, 20th July 1876, No 73

I HAVE received your Excellency's letter of the 2nd May last, No 71, enclosing copies of
correspondence with the Madras Government, relative to the refusal of the Madras and the
South Indian Railway Companies to pay rent for land on which dwelling-houses for drivers and
other of their servants have been built

2 I gather from this correspondence that the Companies have, with the assent of the
local Government, built houses on plots of Class A land, originally made over to them free of
cost, under Clause 3 of the Madras, and Clause 6 of the South Indian Contracts, but which
particular plots that Government have subsequently declared to be in excess of the requirements
for which Class A land is provided, and to be, consequently, under the terms of the contracts,
reclaimable by Government. In this view the Government of Madras have required the Companies
to pay rent for so much of the land as is occupied by the dwellings. On the other hand, the
Companies contend that the dwellings are "conveniences" within the meaning of the contracts,
for which Government is bound to provide land

3 I am unable to adopt the Companies' view of the question, because it appears to me that
only very exceptionally can workmen's dwellings be regarded as "conveniences" for which
Government is bound to provide land free of cost. But if nothing was said in respect of pay-
ment of rent for land when the erection of the houses was sanctioned, and the Companies were
allowed to build them upon land already in their possession under Clauses 3 and 6 respectively, I
am doubtful whether the claim to rent can now be legally enforced. I observe by the letter to
the Government of Madras, No 1,619, dated 15th July 1874, that the Government of India
then entertained a similar view

4 In future, before the erection of dwellings is sanctioned, a distinct understanding
should be come to with the Companies, and the question of liability to rent be finally settled one

*Proceedings of the Madras Government, Public Works Department,
19th September 1876 No. 2,519.*

way or the other In considering that question, one of the principles to be regarded seems to me to be that stated in the following extract from a letter from this office to the East Indian Railway Board, of 15th March 1867, viz, —“The Company will not be asked to pay for land taken under the terms of the contract for ‘the railway and works connected therewith, and proper stations, offices, warehouses, and other conveniences for the same,’ simply because there may happen to be erected on parts of those lands habitations for workmen. But the sites of some such habitations may be on portions of lands originally made over to the Railway Company, but not ‘permanently’ required for the purposes of the railway, which land, consequently, the Railway Company are bound, under the same clause, to restore In that case, if the Company desire to retain the land, it can only be on terms of payment”

Nos. 340 & 341 ORDER THEREON, 19th September 1876, No. 2,519

RAILWAY, No 28

COMMUNICATED to the Consulting Engineer for Railways for information and guidance with reference to the

correspondence ending with G O, No 420, dated 16th February 1876.

2 Adverting to paragraph 2 of the letter from the Government of India, the Consulting Engineer will report whether, having in view the condition therein stated as to the liability of the Railway Companies to surrender surplus Class A lands, rent for the land built upon may now be claimed A report should also be furnished showing how much of Class A land remains in the possession of the Railway Companies unused

3 The decision of the Secretary of State as regards the light in which workmen's dwellings are regarded should be borne in mind when proposals for their erection are laid before Government

(True Extract)

Colonel,
Offg Under Secy. to Govt, P.W.D.

To the Consulting Engineer for Railways
„ Examiner of Railway Accounts
„ Revenue Department

Exd E C. Shunker
Spare Copies

India Office,
London, 20th July 1876

Railway,
No 73.

To His Excellency the Right Honourable the Governor
General of India in Council.

MY LORD,

Para 1 I have received your Excellency's Letter of the 2nd May last, No 71, enclosing copies of correspondence with the Madras Government, relative to the refusal of the Madras and the South Indian Railway Companies to pay rent for land on which dwelling houses for drivers and other of their servants have been built

2 I gather from this correspondence that the Companies have, with the assent of the Local Government, built houses on plots of Class A land, originally made over to them free of cost, under Clause 3 of the Madras, and Clause 6 of the South Indian Contracts, but which particular plots that Government have subsequently declared to be in excess of the requirements for which Class A land is provided, and to be, consequently, under the terms of the contracts, resumable by Government In this view the Government of Madras have required the Companies to pay rent for so much of the land as is occupied by the dwellings On the other hand, the Companies contend that the dwellings are “conveniences” within the meaning of the contracts, for which Government is bound to provide land

3 I am unable to adopt the Companies' view of the question, because it appears to me that only very exceptionally can workmen's dwellings be regarded as “conveniences” for which Government is bound to provide land free of cost But if nothing was said in respect of payment of rent for land when the erection of the houses was sanctioned, and the Companies were allowed to build them upon land already in their possession under Clauses 3 and 6 respectively, I am doubtful whether the claim to rent can now be legally enforced I observe by the letter to the Government of Madras, No. 1619, dated 15th July 1874, that the Government of India then entertained a similar view

4 In future, before the erection of dwellings is sanctioned, a distinct understanding should be come to with the Companies, and the question of liability to rent be finally settled one way or the other In considering that question, one of the principles to be regarded seems to me to be that stated in the following extract from a letter from this Office to the East Indian Railway Board, of 15th March 1867, viz —“The Company will not be asked to pay for land taken under the terms of “the contract for ‘the railway and works connected therewith, and “proper stations, offices, warehouses, and other conveniences for the “same,’ simply because there may happen to be erected on parts of “those lands habitations for workmen But the sites of some such

5

"habitations may be on portions of lands originally made over to
"the Railway Company, but not 'permanently' required for the pur-
"poses of the railway, which land, consequently, the Railway Com-
"pany are bound, under the same clause, to restore In that case,
"if the Company desire to retain the land, it can only be on terms of
"payment"

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

(Signed) SALISBURY.

of

No 18. 80276

Railway
20th July 1876.

Copy
Letter to the Govt of India
No 73.

- 4.6.16. July 176 No 420 & 421
- " 30. Sept 74 No 2747.
- " 21st Aug 74 No 2369
- " 12. Aug 74 No 2219
- " 16. June 74 No 1612a.
- " 13. June 1871 No 1584 & 1585
- " 1. June 1874 No 1462 & 1463
- " 7. April 73 No 1068
- " 5. do do No 1054
- " 1st March 73 No 654 & 655
- " 3rd July 73 No 357
- " 12. Nov 172 No 2667 & 2668
- " 7. July 1870 No 1634.

No 2579

Public Works Department

PROCEEDINGS OF THE MADRAS GOVERNMENT

Under date the 19 Sept 76.
Read the following -

From
The Govt of India (H.C. No 2224. Dd 1st Sept 1876)

Communicated to
the Consulting Engineer
for Railways for inform-
ation and guidance with
reference to the correspon-
dence ending with G.O.
No 420 dated 16th February
1876.

Adverting to para
2 of the letter from the
Government of India the
Consulting Engineer will
report whether, having in
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of

of the Railway Companies
to surrender surplus Class
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claimed. A report should also be furnished showing how much of
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The decision of the
Secretary of State as regards
the right in which workmen's
dwellings are regarded
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when proposals for their
erection are laid before
Government.

11/11/11
11/11

No 339/340

Cons Engineer for Ry.
Genl Ry. Accounts.
Revenue Dept.

Sept 3/10/11

6509



Sob. of 1876 Madras.

PUBLIC WORKS.

To

the Com^r of Railways

Dated

Issued

Recd

Encl

G. O. 17th Sept. 1876, No. 25/9

Nos. 339-341

*But no P. G.
to the Com^r*

Rent for lands taken up
by the Madras & South Indian
R.R. in which dwelling houses
for Drivers others have been

built - Passing orders on
letter from the Govt of India
cons: copy of a despatch from
Secy of State with remarking
on the refusal of the Ry Autho.
to pay the relative to the payment of