

No. 4,811

MADRAS,
Chepauk, 24th March 1889.

CURRENT No. 905

From

THE SUPERINTENDENT OF WORKS,
PRESIDENCY,

To

The Chief Engineer,
P. W. Department.

Sir,

Enclosures.

Since the Conservancy of the
Coorn was placed in charge of the P. W.
Department under G. O. No. 43 of 7th Janu-
-ary 1876 and No. 649 W of 27th August 1877
it has been usual for the Department
to grant permits for the removal of
Sand from the River for public or for
private purposes, Spots being selected
by this Department the removal of
Sand from which would not prove in-
-jurious to the river bed.

2. Complaints having of late
been received of excavations for

PROPOSED
6 MAY 89
B.P.C. O. No.

Sand being made in the bed of the
Coorum by persons who had appar-
-ently obtained no permission to do
so, the Assistant Engineer, Presi-
-dency inspected the River. During
inspection he detected two instances
of unauthorized interference with the
river bed; in one case he sent to the
Police Station the cart which was
intended for the conveyance of the
Sand; and in the other handed over
the delinquents to two Police Const-
-bles who happened to be present at
the time.

3. With a view of arranging
measures to prevent mischief being
done to the river bed I addressed
the Commissioners of Police, request-
-ing that all instances of digging
&c in the river bed coming under

the observation of the Police might be
noticed by them and the persons con-
-cerned prosecuted. if they cannot
produce their permits granted by the
Superintendent of Works or by the
Assistant Engineer, Presidency Division.
The Commissioner of Police, States in
reply that he is unable under the present
State of the Law to assist the Depart-
-ment in preventing people excavating
Sand from the river bed. The Senior
Presidency Magistrate having in a
case lately put before him declined
to convict as he did not consider there
was any mischief in the act com-
-plained of.

4. Under these circumstances
I have the honor to suggest that the
Government be moved to sanction a
Bye Law being passed prohibiting
the removal of Sand from the bed

of the room without permission.

I have the honor to be,

Sir,

Your Most Obed^t Serv^t

P. H. 2883/81

Henry M. Stewart

Major, A. C.,

Superintendent of Works, Presy.

NOTE.—This paper should
be returned with reply, and
should not be marked in
any way by the
receiving office.

J.W. C.A. 1898.

From

The Supt. of works
Presidency
P.W. 2883/81

No 4811.

Dated 24th March 1881.
Received

Enclosure
Subject.

Removal of sand from
the bed of the River
Cooum

Suggests that the Govt.
be moved to sanction
a Bye Law being passed
prohibiting the
for public or for private
purposes.

Referred

P. W. DEPARTMENT.

Read the following:—

From the Superintendent of works, Presidency.
No 4811 dated 24th March 1881.

FOR ORDERS.

Ref. this Memo
to Pres. & Council
for consideration
1/12

Colonel R.
Secretary to Govt.
P.W.D.

P.O. No. 42. 7-1-76.
" " 643 W. 27-2-77.

C.R. No 904 d/7/4/81.

Referred, through the
Financial Department,
to the President Madras
Municipality for his
remarks.

(By order)

Per Secy

By Secy

Under Secy to Govt. P.W.D.
No 688.

Forwarded to the
President of the Madras
Municipality.

By Secy

Ag. Under Secretary
to Govt. P.W.D.

Dated
12/4/81

C.293. R.5.4.

P. W. 188/ DEPARTMENT

No. 1898

From

The Suptt of works
Presidency.

No. 4811

Dated 24 March/81

Recd.

SUBJECT.

Regarding the prohibition
for the removal of sand
from the bed of the River
Coorum.

Disposal.

C.E. No. 907 d/y April/81

Referred, through the Fin-
ancial Dept, to the President
Madras Municipality for
his remarks.

By order

Sgt/ John Jemmycuck

Secy to Govt

Under Secy to Govt

29.3. K.S.4.

Q.29.3. K.S.4.

P. W. 188/ DEPARTMENT.

No. 1898

From

The Supt. of works
Presidency

No. 4811

Dated 24th March/81

Recd.

SUBJECT.

Regarding the prohibition
for the removal of sand
from the bed of the River
Cooum.

Disposal.

C.E. No. 907 d/7th April/81.

Referred, through the
Financial Dept. to the Pre-
sident Madras Municipal
for his remarks.

(By order)

Sd/- John Pennycuik
Under Secy to Govt.

Despd

7-4-81.

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Supt. of Works, Presidency,
No 4811, through the Public Works Department,
dated 7th April 1881, No 907, the following
Letter from the Acting President, Muni-
cipal Commission, Madras dated 28th
April 1881, No. 514.

In returning the papers that
accompanied the Under Secretary's No.
688 dated 12th April, I have the honor
to inform you that it appears doubtful
whether a Municipal Byelaw could
be passed prohibiting or regulating the
removal of sand from the river bed by
private parties. Section 329 & authorizes
the making of bye-laws "generally for
carrying out the several purposes of this Act."
Section 33 & authorizes the expenditure
of funds upon "all matters... conducive
... to public safety or convenience,"
and

and such matters might therefore be regarded as among the "purposes" of the Act. But the river-bed is the property of Government and does not rest in the Commissioners. Unless therefore sand is removed from the river-bed to such an extent as to cause danger or inconvenience to the public, it does not appear to be a matter with which the Municipality is concerned.

2. To remedy this and cognate defects I propose to suggest to the Committee now sitting for the revision of the Municipal Act the following substitute for Section 321.

Conservancy of rivers, Estuaries, and Water Courses.

The conservancy of all rivers Estuaries, canals, back-waters and water

water-courses within the City (not being private property) including the banks and bed thereof, shall be under the control of the Commissioners, and no person shall be entitled to fish therein, remove sand or other materials therefrom, deposit any matter or make any encroachment or obstruction therein, without a licence from the President. Whoever, not being an Officer of Government in the discharge of his duty, shall so fish, remove sand, or other materials, deposit any matter or make any encroachment or obstruction therein, without such licence shall be liable to a fine not exceeding Rupees 50."

3. The legality of the Magistrate's decision

decision in refusing to convict
for mischief where sand is removed
from the river-bed may be open
to question, but into this matter
I need not enter.

Order thereon 6th May 1887, No 485.

The President's letter
will be communicated to the
Public Works Department.

(True Extract)

C. Austin Esq. M.R.

Under Secy, P.W.D.

for Chief Secretary

J.

The Public Works Department
with C. No: 905 returned.

7-1-78 2 43
27-8-77- 649 w
2-4-01 907 c
6-3-90 S

Ph. c. 2883
Govt. of {188 } Madras.
P. S. May

To 1881

Dated 12 May. 188 , No.

Nos.

No 1226 W of 16 March 81

B 1226 W 16/5/81

Communicated to
the Supt. of W. Presidency

C. S. S. S.

Copy letter from Govt.
Madras Municipal
Commrs informing that
a Municipal Bye Law
containing the power pro-
hibiting the removal
of land from the River
bed & proposing certain
suppositions for the
revision of the Act

S. W. Press 20510
16-5-81

N. 1226 W
with order