

Public Works (1899) Department

RAILWAY BRANCH.

G.O., No. 439 Rev

DATED 18th April 1899.

[Despatch Abstract.]

Land for Railways.

Orders stating that in acquiescing — in this Presidency, the collector should in future arrange so that any trees pointed out to him by the Railway Authorities as desired to be reserved shall remain uncut and trees not so reserved shall be dealt with under existing rules.

Orders stating that in acquiring — in this Presidency the Collector should in future arrange so that any trees pointed out to him by the Railway authorities as desired to be reserved shall remain uncut and trees not so reserved shall be dealt with under existing rules.

No. 439 Ry., 18th April 1899.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

ORDER—No. 439 Ry., dated 18th April 1899.

In acquiring land for railways in this Presidency the Collector, under the Land Acquisition Act, should in future arrange so that any trees pointed out to him by the Railway authorities as desired to be reserved shall remain uncut.

2. Trees not so reserved should be dealt with under existing rules. If auctioned the Railway authorities should invariably be informed, not less than a week in advance, of the place and date of auction, in order that they may be afforded an opportunity of bidding.

(True Extract.)

FRANCIS J. E. SPRING,
Joint Secretary.

To the Agent and Manager, Madras Railway.
" Agent, South Indian Railway.
" Examiner, Guaranteed Railway Accounts.
" " Public Works Accounts.
" Consulting Engineer for Railways.
" Revenue Department for communication to all Collectors.

C. No.

SUBJECT.

~~HIS EXCELLENCY THE GOVERNOR.~~ *with the agent*

THE HON'BLE MR. ARUNDEL I.C.S.

THE HON'BLE MR. H. M. WINTERBOTHAM, I.C.S.

FOR ORDERS.

The object of the proposed S.O. is to prevent station guards being in future demanded of trees by Land Acquisition Officers.

These officers consider it to be their duty to receive as much as possible for credit to the land account, of sale of trees standing there.

But the desire of a Railway Administration is to have its station guards as cheap as possible. — it usually proceeds to plant them. The Govt. of India who pay for the land do not go so closely into detail as to enquire what is done or not done in a matter of this sort. All they think of is that the Railway is entitled to cut as much grass with all thought, inclusion of land the cost of which is but a small fraction of the whole. The land estimate which comes before the Govt. of India is a very rough one, usually a more than sufficient one, prepared by Engineers at so much per acre all thought, and

such details as whether there are cut and sold
or left to rot do not come into the calculation.
Ultimately Government (through the Railway Company)
pays for re-planting, on the alternative is that
the station ground which ought to be a shady
ground is left bare.

I want to stop the mischief now being
rapidly perpetrated on the Calcutta Canning
line, and to prevent it being begun on the
other new lines.

I am much impressed with the "out-of-
touchness" between the land acquisition people
and the Railway people. The latter often buy
up all trees for perhaps 200 or 300 and then
the same thing have sold for a few days before.
They ought of course to get first bid.

F.R.S.

14/2/44

H.M.

See no objection to the
D.P. to Railway Draft?

8/1/44

But see Board's
Standing Order 13, para 8
M.S.

Evidently then the acquiring
officer does not cut down
the trees? M.S.

No. I do not suppose the acquiring officer
actually cuts down the trees, but he sells them subject
to their being promptly cut and removed, which will
naturally be just what the Railway people do not
want done.

What I want is that shade shall be preserved
in station yards, and that the Railway men shall at
least be afforded the opportunity of bidding for trees
outside station yards. I do not care how an order is
worded or in what form it comes, so long as I get them.
I have suggested a modification of the draft.

F.R.S.

9/3

To The Hon. Member, through Secy. P.W. Dept.

17.2.44. Secy. P.W. Dept. 14/2/44. Secy. P.W. Dept. 14/2/44.
2.27.44. Secy. P.W. Dept. 14/2/44. Secy. P.W. Dept. 14/2/44.

6

Yes. Is this presumption that "clearance" is desired.
Who desires to "clear" trees in a station yard? No man
in his senses. When is clearance to stop? Why not clear
stones for example? This matter ought not to be left
to the unaided sense of the L.A. officer.

F.M.S.

14/2/44

Para 6 of S.O. no. 12

Why trees? Why not
stones, or grass, or anything? Who
dreams of doing anything so foolish
as clearing trees?

F.M.S.

The trees are not wanted except for shade
for the inhabitants of the country along the line.
If the Railway wants to buy trees for wood
or to rest the fruit, &c. they can do so under my
S.O. on all other parts of the land except station land.

To
Under Secretary

Please see draft S.O. submitted
below with reference to the Honorable
Member's remarks.

14/2/44

The standing order (12 para 14) -
referred to by the Honorable member lays
down that in the case of land provided
free of charge, the materials &c. derived
from the 'clearance' of the surface (which
there will be at the expense of Government)
will be disposed of by the Revenue -
officers to the best advantage but that
houses, trees, tanks or other property on
land which is not provided free of
charge and for which special payment
or compensation is necessary will be
paid for at once by the Railway Co.
Lands for station yards and main
line being required permanently, -
will have to be given to the Ry Co free
of charge and trees on them must, ~~be~~
under the S.O. referred to, be sold to
the best advantage. The Railway Co
is not required to pay the value at
once in these cases. ~~But~~ Land only
is to be provided to the Company free
of charge, the value of the trees may
be ascertained and the recovered from

the company.

If the present order is passed, the Board of Revenue may be asked to make the necessary alterations in the standing order.

C.R. 22/2/99 But are not the S.O. in question based on orders of the Govt of India? If not what are they based on? 22/2/99

To the Under Secretary.

The S.O. is based on the Circular of the Govt of India 829 June '01 printed at page 14 of G.O. No. 382 8th May 1893.

vide para 7. page 8

The S.O. will have to be amended providing for the making over of the trees in certain cases to the Railway Co. & the recovery of their cost from the Co. It does not seem necessary that the sanction of the Govt of India should be obtained for effecting this change. The point may however be remitted to the P.W. Dept. for consideration.

C.R. 22/2/99 Secy The do may issue to

Mr. D. and Mr. Pitt for back to Mr. R. with the above notes with ref. to point A.

23/2/99

If asked I know the Govt of India would say "some say" and you say that will result in the discontinuance of the middle handed custom of cutting trees in station yards. But I see no reason for asking them.

7/11/93

All that the Govt of India care about, in the matter of cut of land, is that (1) there is a good first estimate, (2) the price is not paid. But why cut trees having perfectly well that the Govt of India will come or later pay for planting new ones, if only they will give which including the cost of the land.

Despatched 24.2.99 May Dear Sir,

D.O. no. 44

pending the receipt of formal orders

Trees standing

In connection with the acquisition of lands for the Calicut Cannanore Railway line, you are requested to issue instructions that lands intended for station yards, which are made over to the Company, with the trees standing thereon, the question of recovering the value of the trees being settled subsequently.

28/2/99

For S.L. General 24th January 1893

S.P. 1/1

C.R. 22/2/99

Wes

May the draft be now
raised by D.M. in line

8/13/99

I don't see any use in
para 3 of the draft order?

Then it is obviously be
no bar to the Railway
authorities entering on land
"then it has been regularly
made over to them". On the
other hand they obviously must
not meddle with trees which they
have not chosen to buy,
within the period allowed for
their removal.

2. Is there any objection to
adding to para 1 that
the trees should be
separately valued, & the
cost recovered from the
Railway authorities as
provided in the S.O. - 2.

Wes.

12-3-99

The Under Secretary

Admitted that the file may be sent to the P.W. Dept.

With reference to the remarks.

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I see no objection to para 3 being deleted as suggested by H.M.

I do not see much object in H.M.'s suggestion about the addition to para 1. Government prints the land as it is now leased to the Railway & ultimately reverts to Government. It is of value surely to Government that people cutting at Railway Station throughout the country should have shade trees to sit under. But it is not a thing that Railway would consent to pay for.

I urge the Government buy the land and everything on it that is likely to be useful for the purpose for which it is required, and that the deliberate mischief & injury of cutting down trees be simply left undone.

The trees will never be wanted outside station limits, and it is a very small matter, one of the minors about which the law is supposed not to care, to leave untouched the few station ground trees. It is not as if I were asking for a farm for the railway. I am asking it for the people who are the customers of the railway.

Government might I think say with propriety that they gain. Especially as it is the Government, who do not know or care one straw what any detail cost, so long as the railway is built roughly, & more or less to suit the public.

7/11/11 20/3/11

One advantage is that it brings the proposed order into harmony with the Standing Order, which must otherwise be formally revised.

In the next place, Mrs. Spring seems to ignore the fact that on the West Coast the station compounds are sometimes formed in ^{& mixed} coconut plantations which are extremely valuable.

I don't know where the Stations are to be at Badagara, Leticherry, Cannanore & Balianpatam, but probably the value of the trees at each place will be some thousands of rupees.

I shd. have no objection to directing that all trees thought necessary for shade shd be left standing without any claim being made against the Co., but where extensive plantations of fruit trees are included in station compounds (as was the case at Ballypore for instance) I doubt whether they shd. be made over to the Co. as a petty item not worth consideration.

If Mrs. Spring thinks the S.O. shd. be revised this had better be circulated. W.P.

30-3-89

Recd Dept
Subm. with the
29/3/11

The Hon. Mr. Winterbottom

My dear Mr. Winterbottom

7/11/11

This is urgent, because the Civil Officer will doubtless in a few days be carrying fire & sword through the shade & fruit groves from the 26th to the 60th mile of the C.P.R.

Since the above note was written I have been on the West Coast, and I have been informed that in the process of acquiring land for the railway Government trees, as H.M.'s have been nearly everywhere in large numbers, are bought at from 5 to 7 rupees per tree, and then sold by auction for removal at one anna per tree or less. Of course the tree costs the buyer more or less its full value of the time he has cut & removed it. That is the stuff is competition at the auction, or presumably so. But what I wish to invite attention to is what seems to me to be the wisest mischief, no less, of depriving the people of the use & pleasure of the fruit of a tree which is in nobody's way and which nobody really wants to cut, for the sake of the few pice, which price was quoted to me, got by the Civil Officer as an offset, to credit of fruit, against his expenditure of Rs 5 to Rs 7 in ^{buying the} ~~cutting~~ the tree. Why can't he just let it alone? Because it is in nobody's way. The amount derived from such sales from end to end of a line cannot I suppose amount to much as a set off against what is paid for them. It can perfectly easily be arranged that the Railway Company, when doing any work on fully under audit and control on those of the Civil Officer, shall credit the Land account of the railway with the proceeds of all trees which in their digging operations they find it necessary to destroy.

In other parts of India I have had a great deal to do with railway land. For many years it has fallen to me to take over many miles of it from the Civil

Officers, and everywhere I have received the land
from them cleared of nothing except such parts of
houses, e.g. windows, roof material, doors, &c. -
it may have been arranged by the Civil Officer that
the owners might take away with them, or that the
Civil Officer might find it worth while to sell. It has
then been my duty, in clearing the land so far as it
has actually needed clearing, to credit Land with
the proceeds of the sale of these cleared.

What I wish to induce Government to consent to
is that Civil Officers should consult the Railway
Engineers as to what trees to clear and what to
leave standing. For instance an Engineer will say
"on such and such a mile you may leave all trees
standing on a belt 30 ft wide at each side of
my land, and also all trees at railway stations".
The rest the Civil Officer might clear, and if
any were subsequently cleared by the Railway Engineer
they would account for it, absolutely as reliably as the
Civil Officer would.

Proceeds from the sale of fruit is after years
an as much a direct asset to Government, who
guarantee the Railway shareholders, as is the petty
profits secured by the Civil Officer who sells the trees
thinking he is doing a really clever thing and
benefiting Government.

I have altered the draft G.O. in red for approval
of Govt. As far as I could come to the necessary clearing
order to the Railway Administration.

FHS
8/4/99

I have no objection to the
proposed G.O. as now
amended in red ink
and it may issue -

H.W.

11-4-99

J. R. Sept 11/99

He
12/4/98

Proc G.O.
J.H.
14.4.99

H.W.
11/4/99

Again G.O., dated	189	, No.
Again G.O., dated	189	, No.
Current No.	of 189	dated , from
"	189	" "
"	189	" "

Sofras,
2000,

I don't like the boarding of
this -
The Collector (a European officer)
never cuts down any trees;
but when the owner is willing to
accept a reduced award in
consideration of being allowed
to cut down & appropriate the trees
he is often permitted to do so -
Otherwise the trees are sold
by auction with a condition that
they be removed within a
fixed period -

Standing Order 13 para 8 requires that if the land is cleared, the materials &c. shall be disposed of to the best advantage; & that if trees are made over they "will be paid for at once by the Railway Co."

If the proposed order is to
issue either para 8 must be
cancelled, or the Railway shd.
be made to pay the estimated
value of the trees - To my
knowledge the palms left
standing in the railway

ORDER. No 439 Rg of 18/4/88

In acquiring land for Railways
in this Presidency the Collector,
~~should~~ *should* under the Land Acquisition Act, ~~all~~
~~arrange to have standing~~ *so that*
in future ~~refrain from cutting down~~
points not in the Rail. authorities
any trees within the areas intended
as desired to be reserved
for Station yards shall remain intact.

2. Trees growing on land intended for the main line outside station yards should not be cut down by the collector but should be auctioned ^{dealt with under contract} as they stand, ^{but if auction to} and the Railway Authorities should invariably be informed, not less than a week in advance, of the place and date of auction, in order that they may ^{be offered} have an opportunity of bidding.

3. When trees so auctioned are not sold to the Railway Authorities the purchasers will have to remove them within such reasonable period as the Collector may decide, and meanwhile the non removal of the trees shall not be a bar to the Railway Authorities entering on the land when it shall have been regularly made over to them.

FWS

R.

16/2/99

Secy. Rev. Dept. for C. I.

To.

The Agent & Manager, M.R.

- .. Agent, S. & P.
- .. Examiner, S. & P. Accounts.
- .. Examiner, P. W. Accounts.
- .. Com. Engr. for Rys.
- .. Rev. Secy for communication to all collectors.

Desd 18/4/99

Compounded at the old
Beybut terminus fetched a
sum of several hundred rupees
a year -

This draft obviously can
not take the place of the
S.O. The latter must be
amended formally if at
all -

Meanwhile a d.o. to
Dance requesting him
to see that the station
yards are made over to
the trees standing
& that the question of
valuing the value of the
trees from the Railway Co.
be settled subsequently,
but effect the desired
object so far as the
station yards are
concerned - J.H.S.

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is sent to the
at the station at the
and all other things
sent to the station
at the station at the

I am sending you
the 8 and 81 2nd 99 =
sent to the station at the

439 R

Sir

Please say what
papers are to quote in
of f. 439 R and what
order is to print

SR

17/5

Nothing is to be quoted
only print the Co.

SM

17/5/99

6/3/10

1898-

995-1103-04

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following,

Order ~~thereon~~:—No. 439 Railway, dated 18th April 1899.

In acquiring land for Railways in this Presidency the Collector, under the land Acquisition Act, should in future arrange so that any trees pointed out to him by the Railway authorities as desired to be reserved shall remain uncut.

2. Trees not so reserved should be dealt with under existing rules. If auctioned the Railway authorities should invariably be informed, not less than a week in advance, of the place and date of auction, in order that they may be afforded an opportunity of bidding.

(True Extract)

Francis J.E. Spring,

Joint Secretary.

To.

The Agent and Manager, Madras Ry: ✓

" " South Indian Ry: ✓

" Examiner, Gtd: Railway Accts: ✓

" " P.W. Accounts. ✓

" Consulting Engineer for Rys: ✓

" Revenue Department for Communication
to all Collectors. }cc. 29/5/99
Dispatched on

and to request that arrange

I have the honour to forwa

Sir,

THE COLLECTOR OF

To

THE CONSULTING E

From

Railway Department.

Form No. 43.

0

Despatched on 29/5/99