Proceedings of the Madras Government, Revenue Department, 24th October 1872.

Read the following :—

No. 213. Proceedings of the Board of Revenue, dated 20th August 1872, No. 1,642.

Read the following :—

From the Collector of Cuddapah, dated 24th February 1872, No. 29.
,, Collector of Bellary, ,, 16th ,, ,, ,, 33.
Board's Proceedings, ,, 26th April ,, ,, 671.
President of Municipal Commission, Madras, dated 10th June 1872, No. 844.
From the Collector of Chingleput, dated 17th May 1872, No. 198.
,, Collector of Tanjore, ,, 9th August 1871, ,, 237.
,, Collector of Trichinopoly, ,, 30th ,, ,, ,, 240.
Commissioner of the Nilgiris, ,, 11th ,, ,, ,, 95.
From the Collector of Coimbatore, ,, 25th March 1872, ,, 43.
,, Collector of Salem, ,, 27th November 1871, ,, 3,448.
,, Collector of Malabar. ,, 19th December ,, ,, 299.

THESE reports from Collectors, etc., will be submitted to Government with reference to G. O., dated 28th June 1871, No. 1,117, R. D.

2. The Board are clearly of opinion that no additional powers need be conferred on Magistrates for the regulation or conservancy of villages springing up in the neighbourhood of Railway stations. It will be sufficient if Section 48 of the Police Act be applied to such villages, and if they are placed under the special observation of the nearest Magistrate, so that nuisances may be promptly dealt with. It is however a question whether large stations, such as Arconum, Jollarpett, and Pothanore should not be constituted Municipalities; but this is a matter for the consideration of Government in communication with the Railway authorities.

No. 214. Proceedings of the Board of Revenue, dated 10th September 1872, No. 1,799.

Read the following letter from W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to the Secretary to the Board of Revenue, dated Palamanair, 15th August 1872, No. 381 :—

I HAVE the honour, with reference to the Proceedings of the Board, dated 20th July 1871, No. 3,028, requesting Collectors to report whether additional powers are required for the sanitation of villages around Railway Stations, to state that I am decidedly of opinion that it is very desirable to obtain by legislation, additional powers for Magistrates beyond those they now possess, for the suppression of nuisances in villages around Railway Stations, and for promoting public convenience and the well-being of the general community in regard thereto.

2. The law in this respect is at present very defective, and does not admit of the evil being successfully combated.

3. The provisions of Section 48 of the Police Act (Act XXIV. of 1859) were some years ago enforced by my predecessor in the Principal Railway Stations * of this district, and were in operation at those Stations up to the month of April of last year, when they were deprived of the advantages derivable thereform by the declaration † of Government that the section should be enforced only at places at which a Full Power Magistrate or a subordinate Magistrate of the 1st or 2nd-Class is stationed. Such places being made to include villages and hamlets within a radius of two miles. Not one of the Railway Stations in this district came within the scope of this order, and they were accordingly excluded from the list.

* Arconum Railway Station.
Arcot do. do.
Vellore do. do.
Tripati do. do.

† G. O. dated 4th April 1871, No. 438, J. D.

4. On the 15th June 1871, my predecessor, Mr. Robinson, in a letter No. 48, addressed to Government, recommended that Section 48 of the Police Act should be brought into force in the villages adjoining the Railway Stations of Vellore and Tripati, but he evidently appears to have forgotten the claims of Arconum, the most important of all the Railway Stations in the district in this respect. To Mr. Robinson's letter, however, no reply has yet been received from Government.

5. Meanwhile, the instructions of Government contained in paragraph 2 of the order, embodied in the Proceedings under reply, are being rigidly observed.

6. As regards the Railway Station Maps called for by Government, in paragraph 3 of the above-quoted order, the Superintendent of the Revenue Survey has, I observe from the Order of Government, in the Public Works Department, dated 5th October 1871, No. 2,527, communicated to me with the Board's Proceedings dated 22nd ultimo, Miscellaneous No. 5,024, been requested to make such arrangements as he conveniently can for having the surveys made.

SUBMITTED to Government in continuation of Board's Proceedings, 20th August 1872, No. 1,642.

No. 215. Proceedings of the Board of Revenue, dated 23rd September 1872, No. 1,893.

Read the following letter from W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to the Secretary to the Board of Revenue, dated Chittoor, 2nd September 1872, No. 428 :—

I HAVE the honour, with reference to the Proceedings of the Board, dated 20th ultimo, No. 1,642, to call their attention to my letter of the 15th ultimo, No. 381, in which I gave it as my opinion that it is very desirable to obtain by legislative enactment additional powers for the Magistrates beyond those they now possess for the suppression of nuisances in villages around Railway stations, and for promoting public convenience, and the well-being of the general community in regard thereto.

2. I observe that in their Proceedings just quoted the Board throw out a suggestion regarding the introduction of the Municipal Act into the towns

Proceedings of the Madras Government, Revenue Department, 24th October 1872.

adjoining the larger Railway stations, among which Arconum is included. I beg respectfully to submit my opinion that it is at present very inexpedient and premature to constitute Arconum a Municipality. The town is small and the majority of the population poor.

3. There is no doubt but that Arconum at some future day will rise to a large and flourishing town, but it is not so just now, and the application of the Municipal Act to it for a long time to come would therefore be injudicious.

4. The receipts, in the event of the Act being now applied to it, would be certainly inadequate to meet even the cost of the establishment required to work it.

SUBMITTED to Government in continuation of Board's Proceedings, dated 10th September 1872, No. 1,799.

No. 216. ORDER THEREON, 24th October 1872, No. 1,474.

Miscellaneous.

THE opinion of the Board and of the majority of the officers consulted seems to be that additional powers are not needed by the Magistrates for the regulation of the villages around railway stations, but that it will be sufficient if Section 48, Act XXIV. of 1859 (Police), be applied to them for the suppression of nuisances; and it is observed that Act I. of 1872 (Madras) enables the Government to do this in any case by notification in the Government Gazette.

2. It was, however, ruled in G. O., 4th April 1871, that the application of the section should be limited to places at which a full-power or Sub-Magistrate of 1st or 2nd class is stationed, and to within a radius of two miles from such stations; and the Acting Collector of North Arcot states that not one of the railway stations in his district comes within the scope of the order.

3. The Governor in Council accordingly resolves to direct the Collectors of districts traversed by any line of rail to forward lists of the railway stations in the district which are excluded from the operation of the section by the terms of the G. O. quoted, with a note, in each case, of the distance from the nearest station of any Magistrate, distinguishing the class of officer.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

No. 3,028.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th July 1871.

Read the following Proceedings of the Madras Government, dated 28th June 1871, No. 1,117, Revenue Department:—

No. 304. Read the following Proceedings of the Board of Revenue, dated 27th September 1870, No. 5,879:—

Read the following Proceedings of the Madras Government, dated 2nd April 1870, No. 11, Revenue Department.

ABSTRACT.—Forwarding to the Board of Revenue, for report, letter from the Consulting Engineer for Railways suggesting that no Government land situated within 500 yards of the confines of the compound of any Railway Station should be disposed of, unless full power to enforce sanitary regulations can be retained.

IN 1857, the Board submitted to Government a set of rules for the conservancy of villages springing up around Railway Stations. The rules were tried as an experiment at the Vellore Station, but their general introduction was not approved.

Board's Proceedings, 8th April 1857, No. 1,080.

2. In 1859 the Board again, when submitting a form of deed to be used when land was purchased in the vicinity of Railway Stations, pressed Government to adopt certain rules for the conservancy of the villages; but Government without alluding in any way to the rules, declared that the whole subject was disposed of in their Proceedings about the redemption of the land-tax and the creation of freeholds.

Board's Proceedings, 3rd June 1859, No. 2,016.

Government Order, 15th August 1859, No. 1,093.

3. It now appears that at Pothanore, thatched huts have been built in dangerous proximity to the Railway Station, and that the Sanitary Commissioner considers that unless sanitary regulations can be enforced magisterially, no village should be allowed to spring up within 500 yards of the compound of any Railway Station.

4. The Board resolve once more to submit, for the consideration of Government, the advisability of adopting the rules appended to their letter of the 3rd June 1859, No. 2,016. These rules will sufficiently provide for the conservancy of station villages where the land is still public property, and the Board are of opinion that it should at once be ordered that no land within 500 yards of a station is to be granted to any private applicant, except on the terms embodied in the rules.

No. 305. ORDER THEREON, 28th June 1871, No. 1,117.

Miscellaneous.

THE Government are of opinion that, irrespective of other considerations, the time has past when the adoption of the rules proposed by the Board in 1859 would ensure the due regulation of the villages around Railway Stations, but they desire that the Board will consider and report whether it is desirable to obtain by legislation any additional powers for Magistrates than those they now possess for the suppression of nuisances in the localities in question, and for promoting public convenience and the well-being of the general community in regard to them.

2. Meanwhile, as a step in this direction, the Government desire that the Board will instruct Collectors that under no circumstances are they to dispose of any Government land for private occupation of any kind within half a mile (880 yards) of the boundary of any Railway Station land without the previous sanction of the Board in each individual case, and that they are to enforce on their talook subordinates that they are prohibited from permitting any such occupation without the special orders of the Collectors, and that they will be held personally responsible for any unauthorized occupation whether by their act or neglect.

3. The Government desire that a complete set of plans may be furnished to them for each Railway Station and its neighbourhood, embracing all land within a radius of one mile from the station boundary, and on a uniform scale of eighteen inches to the mile. The plan will show what land is in the possession of private parties and what in the possession of Government.

4. In many cases Colonel Priestley will probably be able to supply these plans from the records of the Revenue Survey Office. But where his department has not worked, the Superintending Engineer of the districts will make the necessary arrangements for the preparation of the plans under orders which will be issued in the Department Public Works.

5. The series will be maintained as fresh stations are established, and the plans should be lithographed and copies forwarded to Government as completed.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Governmen

To the Board of Revenue.

COMMUNICATED to the Collectors of districts through which Railways pass, with the request that they will report whether additional powers are required for the sanitation of villages around Railway Stations.

2. The orders in paragraph 2 must be carefully observed.

(True Extracts.)

(Signed) J. GROSE,
Acting Secretary.

(True Copy.)

(Signed) J. T. MAYNE,
First Assistant.

To the Collector of Cuddapah.
,, the Collector of Bellary.
,, the Collector of Madras.
,, the Collector of Chingleput.
,, the Collector of North Arcot.
,, the Collector of Tanjore.
,, the Collector of Trichinopoly.
,, the Collector of Coimbatore.
,, the Collector of Salem.
,, the Collector of Malabar.
,, the Commissioner of the Neilgherries.

Exd. T. Cartledge.

From W. D. HORSLEY, Esq., Collector of Cuddapah, to the Secretary to the Board of Revenue, dated Gandloor, 24th February 1872, No. 29:—

I HAVE the honour to report as directed in Proceedings of the Board, No. 3,028, dated 20th July 1871.

2. I do not consider that Magistrates require additional powers for the sanitation of villages in the neighbourhood of Railway Stations in this District.

3. If such powers were necessary, it would be sufficient to bring into operation the provisions of the Police Act. At Cuddapah this is not necessary, as the station is within Municipal limits. It has been suggested to me by the Assistant Collector that the Act should be put in force in a small hamlet south of the station, because its inhabitants who chiefly belong to the lower class of Railway subordinates resent the interference of the Village Magistrate when attracted to the spot by disturbances connected with an arrack shop, but I do not consider this as a reason for introducing the Act for the furtherance of sanitary measures. At other stations on the line the traffic in passengers, is so very small, or the villages are situated at so great a distance, that powers to enable the Police to arrest without warrant those committing nuisances are unnecessary.

4. I think, however, something should be done by the Railway authorities in the shape of sanitation. Near Cuddapah, for instance, are stagnant pools of water collected in the ditches along side of the embankment. Near Visvanadhapuram, a village seldom without fever, is a green pool of water formed in this way. The Municipal Sanitary Inspector drew the attention of the Railway Apothecary to these ditches, but he was told that it was the duty of the Municipality to fill them up.- This of course is absurd. The reply however was only from a subordinate, and I have no doubt that if the matter were properly represented, the nuisance would cease to exist.

From J. H. MASTER, Esq., Acting Collector of Bellary, to the Secretary to the Board of Revenue, dated Harpanhally 16th February 1872, No. 33.

I REGRET that the Board's Proceedings, No. 3,028, dated 20th July 1871, have remained unanswered. They arrived during my absence on leave, and the Division Officers were not called upon to report their opinion on the subject.

2. I have the honour to state that I do not think any additional powers are required for the sanitation of villages around Railway stations. By the bill at present under the consideration of the Legislative Council, the Government will be able to declare any place to be a town for the purposes of the Police Act, and it may be desirable that villages around stations should be included in this category. At all events it will be in the power of the Magistrate to make recommendations in special cases.

3. Meanwhile the directions given by the Government in paragraph 2 of the Order will be carried out, as far as possible. I conclude that it only applies to rural stations, and not to large places like Bellary, where the Railway premises are already in the centre of the Civil Station.

From Colonel A. RITHERDON, Officiating President of the Municipal Commission, to the Secretary to the Board of Revenue, dated Madras, 10th June 1872, No. 844.

With reference to the Proceedings of the Board of Revenue, under date, the 26th April 1872, I have to acquaint you that the power vested in the Municipality by Act IX. of 1867, in regard to the Conservancy of land within the vicinity of Railway stations, is ample for the suppression of nuisance, and for promoting the public convenience in those localities, and further, that this power has been considerably increased by Clause 10 of Act V. of 1871.

Exd. G. A. Turton.

From R. W. BARLOW, Esq., Acting Collector of the Chingleput District, to the Secretary to the Board of Revenue, dated Trivattoor, 17th May 1872, No. 198.

In reply to paragraph 1 of the Board's Proceedings, dated 20th July last, No. 3,028, communicating Government Order, No. 1,117, dated 28th June 1871, I have the honour to report that, if the provisions of Section 48, Act XXIV. of 1859 (Police Act), are applied to villages in the vicinity of the stations noted in the margin, no additional powers are required for their sanitation.

Madras Railway.	
Station.	*Village.*
Avady.	Avady.
Tinnanore.	Tinnanore.
Trivellore.	Pariyacooppum.
Cadumbatore.	Cadumbatore.

Carnatic Railway.	
Station.	*Village.*
Chengalraya Naick Chuttrum.	Oovary.
Conjeveram.	Conjeveram.

2. Strictest compliance has been enjoined, on all the Taluq officials, with the orders of Government at paragraph 2 of the Government Order, above quoted.

Exd. G. A. Turton.

From W. M. CADELL, Esq., Acting Collector of Tanjore, to the Acting Secretary to the Board of Revenue, dated Vallam, 9th August 1871, No. 237.

With reference to the Board's Proceedings, dated 20th ultimo, No. 3,028, I have the honour to report that additional powers are, in my opinion, required to ensure the sanitation of villages around Railway stations.

2. If the surrounding land be all unoccupied Government land, measures may be taken to prevent huts and other buildings being erected in a manner incompatible with proper sanitation; but in this district the surrounding land is in most cases occupied and in some of the nature of Inam and, therefore, absolute private property.

3. The Magistrates now possess the power of suppressing nuisances no doubt; but I doubt whether, acting under Section 62 or 308 of the Code of Criminal Procedure, they can do more than suppress an actual or obvious nuisance, and prevent the springing up on land, the private property of individuals, of buildings which, in themselves no nuisances, might in future become so.

4. The orders of Government in paragraph 2, with regard to the disposal of Government land, will be carefully and strictly attended to.

From W. S. WHITESIDE, Esq., Acting Collector of Trichinopoly, to the Secretary to the Board of Revenue, dated 30th August 1871, No. 240.

Adverting to the Proceedings of the Board, No. 3,028, dated the 20th ultimo, I have the honour to inform you that I am of opinion that additional powers of the description referred to in paragraph 1 of the Government Order, No. 1,117, dated the 28th June last, are not required for the sanitation of the villages already formed around Railway stations; the extension of Section 48 of Act XXIV. of 1859 to such villages will, I think, effect the desired object in suppressing nuisances.

2. With regard to the villages springing up hereafter, if the land required for building purposes is Government property, it will, with the permission of the Board previously obtained as required in paragraph 2 of the Government Order above quoted, be laid out with strict attention to sanitary principles, and the intending occupiers will be bound down to adopt, under penalty, such conditions as may be prescribed for enforcing sanitation; if the land so required is private property the Government should purchase the same from its proprietors or take it up under Act X. of 1870 and then allot it for occupation. Sanitation can be maintained, I think, without difficulty, and a small ground-rent might be charged on each house erected.

From J. W. BREEKS, Esq., Commissioner of the Neilgherries, to the Secretary to the Board of Revenue, dated Ootacamund, 12th August 1871, No. 95.

With reference to Board's Proceedings, No. 3,028, dated 20th ultimo, I have the honour to forward copy of a communication from the District Magistrate, Mr. C. A. Galton, on the subject of additional powers required for the sanitation of villages around Railway stations.

Enclosure No. 1.

From C. A. GALTON, Esq., District Magistrate, to the Commissioner of the Neilgherries, dated Ootacamund, 11th August 1871, No. 77.

In reply to your endorsement on Board's Proceedings, dated 20th July, No. 3,028, I have the honour to inform you that, in my opinion, it is highly desirable that Magistrates should be vested with additional powers for the suppression of nuisances in the vicinity of Railway stations.

2. During three years Pothanore was under my charge, and I can therefore state from experiencethat at present the Magistrate is almost powerless to enforce sanitary regulations, nor am I of opinion that it would suffice to extend the operation of Section 48 of Act XXIV. of 1859 to Pothanore (that village not being included in the list published at page 569 of the *Fort Saint George Gazette* under date 4th April 1871).

3. Clause 5 of that section appears to be the only one which would be of much use; but in a village like Pothanore, which is not laid out in any regular form, doubts might arise as to the applicability of its provisions in many cases of nuisance. It would be preferable in my opinion to vest Magistrates with authority to enforce sanitary regulations similar to those contained in the general Conservancy clauses of the Towns' Improvement Act III. of 1871.

4. The huts alluded to by the Sanitary Commissioner are, I believe, built exclusively on private property, and when such is the case Government officers are powerless to prevent a village springing up. It would, I feel sure, be a wise step to buy up all private land within half a mile of important Railway stations granting compensation for existing buildings, and I was under the impression that this step had been determined on in the case of Pothanore.

(True Copy.)

(Signed) J. W. BREEKS,
Commissioner.

From A. WEDDERBURN, Esq., Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 25th March 1872, No. 43.

WITH reference to the Proceedings of the *Madras Government*, dated 28th June 1871, No. 1,117, I have the honour to observe that if the Conservancy powers conferred on Municipal Commissioners, Sections 142 and 143, Act III. of 1871, were granted to the Magistrate of the District, in reference to Railway Stations, the difficulty now experienced in dealing with buildings on private land near Railway Stations would be lessened.

From C. T. LONGLEY, Esq., Collector of Salem, to the Acting Secretary to the Board of Revenue, dated 27th November 1871, No. 3,448.

In reply to the Proceedings of the Board, No. 3,028, dated 20th July 1871, desiring to be informed if additional legislation is required for the sanitation of villages round Railway Stations, I have the honour to state, that properly worked, the provisions of Section 48, Act XXIV. of 1859, are sufficient, and that the Magistrate requires no additional powers to enforce sanitation in villages around Railway Stations.

2. The prohibition to building nearer than 800 yards will meet all such cases as the one in Coimbatore, alluded to in the Proceedings under reply.

From A. MacGREGOR, Esq., Collector of Malabar, to the Secretary to the Board of Revenue, dated Calicut, 19th December 1871, No. 279.

With reference to the Board's Proceedings, dated 20th July last, No. 3,028, I have the honour to report that no additional Magisterial powers appear necessary for the enforcement of sanitation of villages around Railway Stations in this district.

Rev. 2695/72

Encl in R.of.G. 24th Octr 72
Nr 213-216.

G.O. No 1474 dated 24 Octr 72

21

Revenue Department.

No. 1474

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 24 Octr 1872.

Read the following Proceedings of the Board of Revenue

Subng to Govt reports from certain Collectors &c as to necessity for addl powers being conferred on Magistrates for repulation or conservancy of villages springing up in the neighbourhood of Railway stations – with expression of Board's opinion that no such powers are wanted — H. E. 20th Augt 1872 Nr 1642

Subng to Govt letter from Colr of N. Arcot expressing opinion in favor of addl powers being conferred on Collectors by legislation for securing sanitation of villages around Railway stations — " " 10th Septr 1872 Nr 1799

Subng to Govt letter from Colr of N. Arcot stating that he has already expressed his opinion in favor of addl powers being conferred on Magistrates for the suppression of nuisances in villages around Railway stations and objecting to proposed introduction of Immbl Act into town of Arcot — " " 23d Septr 1872 Nr 1893

The opinions of the Board and of the majority of the officers consulted seems to be, that additional powers are not needed by the Magistrates for the repulation

of the villages around Railway Stations - but that it will be sufficient if Section 48 Act 24 of 1859 (Police) be applied to them for the suppression of nuisances - and it is observed that Act 13 1872 (Madras) enables the Govt to do this in any case, by notification in the Govt Gazette

2 It was however ruled in G.O. 4th April 1872 that the application of the section should be limited to places at which a Full-power, or Sub-Magistrate of 1st or 2d class is stationed and to within a radius of 2 miles from such stations - and the Ag Coll of N. Arcot states that not one of the Railway stations in his District comes within the scope of the order.

3. The Governor in Council accordingly resolves to direct the Collectors of Districts traversed by any line of Rail to forward lists of the Railway stations in the District which are excluded from the operation of the section by the terms of the G.O. quoted - with a note, in each case, of the distance from the nearest station of any Magistrate, distinguishing the class of Officer -

L.B.

91. To the Board of Revenue, Dev 1st November 72

3 Augt 1872 No 12 & 13
12 October 72 - 81 Nos

Revenue 1872. Dept.
From. No. 3570.
The Supdt Rev Survey
To
The Secretary to Govt.
Revenue Deptt

Dated 5th
Despd 6th Novr
Received 6th 1872

Enclosure 1 Acd
No. 2337/63
Subject

Submits a statement of the accounts of expenditure of Revenue Survey stores during the year 1871/72

S.O. No 1627 - 29 Novr/72

No 213

No. 3021
Rev. 1872. Sept.

Board of Revenue,

MADRAS.

PROCEEDINGS, 10TH SEPTEMBER 1872, No. 1,799.

Desp. 213 Sept. /72

Encl.

Received 16th Sept. /72

SEPTEMBER.

No 1,799.

Villages around Railway Stations,— Letter from Collector of North Arcot expressing opinion in favour of additional powers being conferred on Collectors by legislation for securing sanitation of —, submitted to Government.

S. O. No. 1474 - 24 Oct /72

Old No. 73, New No. 24—563,834—20-10-59.

DEPARTM[ENT]

Paper taken out of the Records from the charge of the Referencer.

Press / Miscellaneous / Routine No. ...., dated 195

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			