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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. / B.P. No.	2323	Press / Mis.
Dated 6.10.1876		196 .

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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 conveniences 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, 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. 1,619, dated 15th July 1874, that the Government of India then entertained a similar view.

4. In future, before the erection of dwel[illegible] sanctioned, a distinct understanding should be come to with the Companies, and the qu[illegible]iability to rent be finally settl[illegible] 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 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. 42[illegible], 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 [illegible]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.)

W. Lancaster 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 10

G.O. 7 March 1878 No 609 Mar

(No 4137)
Rev. 1876 Dept

Govt. of {1876} Madras.

PUBLIC WORKS.

To

THE CONSULTING ENGINEER
FOR RAILWAYS,
&c., &c., &c.

Dated September 19th.

Issued

Read 6th

G. O., 19th September 1876, No. 2,519.

SEPTEMBER.

Nos. 339-341.

Rent for lands taken up by the Madras and South Indian Railways on which dwelling-houses for Drivers and others have been built.—Passing orders on letter from the Government of India, communicating copy of a despatch from Secretary of State remarking on the refusal of the Railway Authorities relative to the payment of —.

(No 2059)
Communicated to Revd
Read