

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1715	Press Mis.
²⁸¹⁻²⁸³ Dated	30-11-	1918 6/1

13/13

Not to be folded or roughly handled

Read the following papers:—

No. 281. From A. HATHAWAY, Esq., President of the Municipal Commission of the Civil Pettahs of Bellary; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Camp Gooty, 20th June 1864, No. 18.

I have the honor to submit, for the approval of Government, the enclosed Rules framed for the guidance of the Municipal Commissioners of the Civil Pettahs of Bellary, under Section 6 of Act XXVI of 1850, and which were unanimously adopted at a General Meeting of the Commission, held under my presidency on the 11th instants.

Rules made by the Municipal Commissioners of the Civil Pettahs of Bellary under Section 6 of Act XXVI of 1850:

CHAPTER I.

Of the Constitution of the Commission.

I. Besides the ex-officio President, the Magistrate of the District, there shall be twelve ordinary Commissioners, of whom one shall be nominated by the President to be Vice-President.

Number of Commissioners.

II. A General Meeting of the Commissioners shall be held ordinarily on or about the first Monday in every quarter; extraordinary meetings may be summoned by the President whenever he may deem it expedient, or in his absence

General Meeting.

by the Vice-President duly authorized by him in writing. A written notice of every General Meeting, whether ordinary or extraordinary, specifying the time and place at which it is to be held, and the nature of the business to be transacted therein, shall be sent by the Secretary to every Commissioner at least two days before the holding of such Meeting.

III. Any proposition brought forward at any meeting of the Commissioners, if approved by a majority of the Commissioners present, shall be deemed to be carried; but the President shall have an absolute veto in respect of any proposition brought forward at any such meeting: provided always that every exercise of the said right of veto shall within one week be reported to Government by the President.

Veto of the President.

IV. There shall be a Sub-Committee of the Commission consisting of not more than five, and of not less than three Commissioners, of whom one (who shall preside over the Sub-Committee) shall be nominated by the President, and shall hold office during his pleasure; the remaining members shall be elected at the first quarterly General Meeting in every year, and shall resign their seats at the first quarterly General Meeting in the succeeding year. They shall, however, be eligible for re-election.

Appointment of Sub-Committee.

V. The Sub-Committee shall meet at least once a week for the despatch of business, and a report of the works executed and business transacted by them during each quarter, shall be presented to the ordinary General Meeting of the

Business of Sub-Committee.

ensuing quarter. The Sub-Committee shall exercise ordinarily all the powers of the Commission in respect of the execution of any work, or of the making of any contract, or of the carrying out of any of these rules, or of the punishing of any servant with fine or dismissal: provided always that, in all grave and important matters, the Sub-Committee shall apply to the President for advice and direc-

tion, or request him to convene a General Meeting, and also that no contract above the amount of three hundred Rupees shall be entered into without the consent previously obtained of the President or of a General Meeting, and also that the Secretary shall not be suspended or dismissed without a reference to the President or to a General Meeting, and also that in no case shall any servant be fined to an extent exceeding one-third of his salary, and also that not less than three members of the Sub-Committee, of whom the President thereof shall be one, shall form a quorum for the infliction of any penalty under any of these rules.

VI. The President of the Sub-Committee shall have the power of withdrawing any proposition from the consideration of the Sub-Committee, and of submitting it to the President, in order that he may exercise his vote with respect to it if he see cause.

VII. For the carrying out of the objects of the Commission, the establishment detailed in Appendix A shall be employed; of the officers mentioned in the said Appendix, the appointment of the Secretary shall rest with a General Meeting; but the appointment of the other servants shall be in the hands of the Sub-Committee. It shall be lawful for a General Meeting to increase, diminish, or vary that establishment in any manner which they may consider expedient.

VIII. No Commissioner shall retain his seat in the Commission if he shall cease to reside habitually in the town of Bellary, or if he shall be convicted of any grave crime in a Court of Justice. In such cases, and in any other case in which it appears to the President that any Commissioner ought to be removed from the Commission, if such Commissioner does not voluntarily resign his seat, the President shall communicate with Government, setting forth the circumstances of the case, and requesting permission for the removal of the disqualified person from the Commission.

IX. Whenever a vacancy occurs among the Commissioners by death, or otherwise, it shall be the duty of the President within three months of the occurrence of such vacancy, after consultation with the other Commissioners, to recommend a proper person to Government to fill the said vacancy.

X. The Commissioners shall have a seal of one and a half inches in diameter, bearing the inscription in English and Telugu characters—The seal of the Municipal Commissioners of the Civil Pettah of Bellary—which seal shall be in the custody of the Secretary.

XI. The correspondence of the Commission shall ordinarily be conducted by the Secretary, provided always that, in accordance with paragraph 2 of Order of Government, dated 11th May 1864, No. 665, the correspondence of the Commission with Government shall be conducted by the President.

XII. Two Auditors, who shall not be members of the Sub-Committee, shall be appointed at the first quarterly meeting in every year; of these Auditors, one shall be nominated by the President, and the other shall be elected by the meeting. It shall be their duty to examine and certify to the correctness of all the accounts of the Commission, especially those accounts which must be presented to Government on or before the 30th of April in every year.

CHAPTER II.

Of Assessment.

XIII. In order to raise the requisite funds for carrying out the purposes for which the Commission was instituted, an assessment at the rate of half per cent. shall be levied on all dwelling houses, compounds, and back-yards within the jurisdiction of the Commissioners.

XIV. The property on which the said assessment is to be levied shall be valued once in every five years, and not oftener, unless from some special reason it shall seem expedient to the Commission.

XV. For the more convenient collection of the assessment, all the houses within the jurisdiction of the Commissioners shall be numbered, and the assessment shall be fixed and collected on each number.

XVI. In case any number be divided subsequently to the fixing of the assessment, on the application of the owners of the several parts into which the number is divided (or on the application of any one of them), the Commissioners shall cause the assessment to be apportioned among the said several parts in such manner as may appear to be equitable, such apportionment shall be announced to the owners of the several parts, with an intimation that no appeal can be received against it unless preferred within the space of fifteen days.

XVII. An assessment ticket, duly stamped with the seal of the Commission and signed by the Secretary, exhibiting the number and value of the property, and the amount payable thereon annually, shall be furnished to all the owners.

The Bill Collectors, who shall be furnished with the receipts stamped and signed by the Secretary, shall collect the tax and deliver the amount at the close of the day to the Secretary, who is also the Treasurer. In case of non-payment, the Secretary shall issue a notice to the defaulters with warning, and after eight days a bill, showing the name of defaulter and the amount of assessment due, shall be submitted to the Magistrate, in order to the collection of the amount under the provisions of Art XXVI of 1850, Section 12.

XVIII. The assessment shall not be levied on buildings and lands belonging to Government, or on those devoted to purely religious or charitable purposes.

XIX. Whenever any portion of the amount sanctioned by Government in their Proceedings, under date 6th of July 1861, may be required for the purpose of carrying out the objects of the Commission, the Secretary shall apply to the Collector by a writing, which shall be counter-signed by the President of the Sub-Committee, specifying the sum required, and certifying that an amount equal to the said sum has been collected under the assessment.

XX. Not more than two hundred and fifty Rupees shall be allowed to remain in the charge of the Secretary ordinarily, and without special cause; the money of the Commission shall be deposited under seal in the Huzar Treasury, if the Collector give permission, or in some other secure place.

CHAPTER III.

Of the Power and Duties of the Commissioners.

XXI. From the date of the promulgation of these rules, all roads, streets, lanes, bridges, public tanks, and wells within the jurisdiction of the Commissioners, shall be vested in the Commission.

XXII. It shall be the duty of the Commissioners to keep all the above-mentioned roads, streets, lanes, bridges, public wells, and tanks clean, and in good and substantial repair. Any person who commits mischief or nuisance, in respect of any of the above-mentioned property, shall be prosecuted in due course of law.

XXIII. The Commission shall have authority with the sanction of Government to form new roads and streets, to widen and enlarge the existing ones, and also to purchase grounds which may be necessary for such purposes, making due compensation to the owners thereof; any dispute regarding the amount of such compensation shall be decided by a Panchayet to be named by the Magistrate.

XXIV. Applications for permission to erect temporary pandals shall be made to the Commission, who will fix the extent of space which such pandals may occupy, and the period for which they will be allowed to remain; and if any person erect pandals without the permission of the Commission, or fail to comply with the conditions on which permission is granted, the said pandals shall be removed at the expense of the person so offending, who shall further be liable to a fine not exceeding five Rupees.

XXV. No person shall erect any new buildings or make any new excavations within the jurisdiction of the Commissioners without their permission previously obtained. Any person who erects such building or make such excavation without the consent of the Commissioners, or who violates the conditions on which such consent was given, shall be liable to a fine not exceeding twenty Rupees, and such building shall be removed, or such excavation filled up at the cost of the person so offending.

XXVI. Any person who knowingly erects any building on, or makes any excavation in any of the property vested in the Commission by Rule XXI, shall be fined to an extent not exceeding thirty Rupees, and such building shall be removed, or such excavation filled up at the cost of the party so offending.

XXVII. If any building which may have been erected over the side-drains, previous to the promulgation of these rules, be pulled down for the purpose of being re-built, the Commissioners shall prevent the re-building of such erection over the side-drains.

XXVIII. No new verandahs or choppers intended to remain permanently in front of any building shall be permitted to be built of grass, leaves, mats, or other inflammable material. If any such shall be in existence at the time of the promulgation of the rules, the Commissioners shall require the same to be removed within one year, and in default of compliance with such order shall cause them to be removed at the expense of the owner.

XXIX. It shall be the duty of the Commissioners to set apart certain wells for drinking purposes only; and any person using such wells for any other purposes shall be prosecuted under Section 277 of the Indian Penal Code.

XXX. The sweepings of the houses and other rubbish shall be deposited by the householders in baskets before the doors of their houses, in order to its being removed daily by the scavenging carts of the Commission; any infringement of this regulation shall be punished by a fine not exceeding eight Annas for the first, and five Rupees for every subsequent offence.

XXXI. The Commissioners shall provide by purchase, or otherwise a suitable place without the town for the deposit of the sweepings, and shall cause the said sweepings to be sold, and apply the proceeds to the general purposes of the Commission.

XXXII. Applications for permission to open and clean sink pits already in existence shall be made to the Municipal Commissioners, and (until some better arrangement can be made for the disposal of foul water) such permission may be granted subject to the following conditions:—

1st.—That the Inspector of Conservancy, or some other servant of the Commission duly authorized be present.

2nd.—That the sink pit be emptied as quickly as possible, all necessary preparations being made before it is opened.

3rd.—That dry earth be thrown over each cart-load of filth to prevent a noxious smell from being diffused in its transit through the town.

Any person who opens a sink pit without the permission of the Commissioners, or who wilfully violates any of these conditions, shall be liable to a fine not exceeding fifty Rupees.

XXXIII. If a house or open place be left unoccupied, owing to a dispute as to its ownership between two or more parties, so that it affords facilities for the commission of nuisances, the Commissioners shall have authority to serve the said parties with a notice, requiring that a wall or fence be raised within twenty days in line with the external boundary of such premises, in order to prevent the commission of nuisances therein. If such notice be not attended to, the Commissioners shall cause such wall or fence to be raised, and recover the expenses incurred thereby from the party who may be eventually declared to be the owner of the place.

XXXIV. The Commissioners shall, at their discretion, provide separate places within the limits under their control to which the males and females of the town respectively may resort to perform the calls of nature, such places shall be enclosed with walls which shall be high enough to screen those who are within from the public observation. The Commissioners shall also provide for the proper cleansing of such places daily.

XXXV. The Commissioners shall have authority to issue such sanitary orders as, under the advice of the Medical authorities, they may consider necessary for the preservation of public health. Any person wilfully failing to comply with such orders shall be liable to a fine not exceeding fifty Rupees.

XXXVI. Butchers shall not be allowed to slaughter cattle in any place other than those which shall be appointed by the Municipal Commissioners for that purpose, and such places shall be kept by the butchers in a clean and wholesome state. Persons offending against this rule shall be fined to an amount not exceeding twenty Rupees.

XXXVII. The Commissioners shall be authorized to prevent the exposure of fish or any other commodity which smells an offensive or disagreeable smell for sale on, or near any road frequented by the people, and shall appoint a convenient place in which, and in no other place such things shall be allowed to be sold. Any person who offends against this rule shall be liable to a penalty not exceeding ten Rupees.

XXXVIII. Nuisances and other offences against public health, safety, and decency shall be brought by the servants of the Commission to the notice of the Police, in order that the offending parties may be prosecuted in due course of law. In all grave and important cases this shall be done by the Secretary by letter, addressed to the Superintendent of Madras Police, and the Secretary shall be directed to watch the case and report the result to the Commissioners. It shall be the duty of the Commissioners to report to the Superintendent of Police or to the Magistrate of the District any flagrant or continued neglect by the Police of their duties in regard to the commission of offences detailed in Section 48 of Act XXIV of 1859 in the obstruction, inconvenience, annoyance, risk, or damage of the residents or passengers within the limits of the jurisdiction of the Commission.

XXXIX. If any fine inflicted or expenses incurred under any of the foregoing rules be not duly paid by the parties concerned, a notice shall be sent to the Magistrate, specifying the amount of such fine or expenses, and requesting him to collect such amount under Section 10 of Act XXVI of 1859, and to remit the same to the Commissioners.

XL. Whenever it shall be considered necessary to add, to alter, or cancel any of the foregoing rules, or to make additional rules, a General Meeting of the Commissioners shall be convened, and the opinion of the majority shall be submitted to Government.
(Signed) A. HATHAWAY,
President of the Municipal Commission.

APPENDIX A.

Establishment of the Municipal Commission of the Civil Pottahs of Bellary.

1 Secretary.....	82	0	0
1 Bill Collector.....	12	0	0
1 Inspector of Conservancy.....	20	0	0
1 Peon, at 7 Rupees.....	7	0	0
3 Peons, at 6 ".....	18	0	0
3 Bill Collectors, at 7 Rupees.....	21	0	0
1 Office Sweeper.....	1	0	0
<i>Muzumdar Establishment.</i>			
1 Muzumdar.....	12	0	0
12 Coolies, at 6 Rupees.....	72	0	0
<i>Cleaning and Lighting Establishment.</i>			
4 Sweeping Cart, at 18 Rupees.....	144	0	0
16 Sweepers, at 4 Rupees.....	64	0	0
3 Lighters, at 4 ".....	12	0	0
Total.....	280	0	0

(Signed) A. HATHAWAY,
President of the Municipal Commission.

Referred to the Sanitary Commission for their opinion.

FORT SAINT GEORGE,
30th June 1864.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

No. 282. From the Honorable R. S. ELLIS, c. s., President, Sanitary Commission; to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated Ootacamund, 30th September 1864.

I have the honor to submit the following remarks on the Rules* drawn up by the Commissioners appointed to bring Act XXVI of 1859 into force in the town of Anantapoor, and into the Civil Pottahs of Bellary.

1. I have to express my regret at the delay that has taken place in submitting these papers, which has been caused by my absence from Madras, and by the papers having been mislaid.

2. Before remarking on the rules, I would observe that it will be of advantage to substitute for the imperfect Conservancy rules, at present in force under the various municipalities, a uniform and more complete set of Conservancy clauses applicable in all towns and stations.

3. I propose shortly to lay before the Government the Conservancy clauses which I have prepared for the station of Ootacamund. These, if approved, may be conveniently applied wherever Act XXVI of 1859 is in force, and remain in force until such time as an Indian Public Health Act may be passed, which would supersede all rules connected with Conservancy and Public Health.

4. As regards the number of Commissioners. It is proposed that there should be twelve in number, besides an "ex-officio" President, the Magistrate of the District. It is proposed that there should be General Meetings every quarter, and that the Municipal administration should in reality be carried on by a Sub-Committee of five, nominated by the President and removable at his pleasure.

5. Further power is given to the President to "veto" any proposition brought forward and carried by a majority, if disapproved by the President. The exercise of this veto to be reported to Government by the President within one week.

6. If the number of Municipal Commissioners has not already been determined by Government, I think it will be found more practically useful to limit the number of Municipal Commissioners to six besides the President, and not to have any such Sub-Committee as is proposed.

The effect of this delegation of power and duties is to divide the responsibility of the acts of the Municipal Commissioners, and practically to throw the whole power into the hands of the President's nominees instead of its remaining with the whole Municipal corporation.

7. I do not consider that the President should have a right of veto. He should as President have a casting vote, but should otherwise be on an equality with his fellow Commissioners, and it should certainly not rest with the President to nominate and remove at his pleasure the Sub-Committee.

9. It will be convenient to have a Vice-President to supply the place of the President when absent; but he should, I think, be nominated by the Government. The President or Vice-President should, for the transaction of the business connected with, or making any order authorized by the rules, exercise the powers vested by Act XXVI of 1850, and by the rules in the Commissioners; provided that it shall not be lawful for the President or Vice-President to exercise any power which it is by the Act and rules expressly declared shall be exercised by the Commissioners at a meeting.

10. I would recommend that the appointment and dismissal of all the servants, except the Secretary of the Municipal Commission, should rest with the President, or in his absence with the Vice-President.

11. The Secretary should be appointed and removed by the vote of a majority of the Municipal Commissioners.

12. Three of the Municipal Commissioners should constitute a "quorum" for the transaction of business at a meeting.

13. As regards establishment, I have only one suggestion to make. It is proposed to give 30 Rupees salary to a Secretary, and 20 to an Inspector of Conservancy. I think it would be better to unite these offices in one person, and assign a salary of 70 Rupees, for which sum per mensem the services of a competent person could be secured.

14. It is proposed to levy a rate of half per centum on all dwelling houses, compounds, and back-yards within the jurisdiction of the Commissioners.

15. I have not any personal knowledge of Bellary, but this rate appears to me too low to raise the funds requisite for effective conservancy and other municipal objects.

16. There is no general provision for the Commissioners giving public notice of the valuation and assessment made by them, or for making amendments and for hearing appeals against the rates assessed. There are only provisions to this effect in the case of the numbers of houses being divided.

17. It is proposed by Section 31 to vest all roads, streets, lanes, and bridges in the Commissioners. An exception should be made of roads and bridges, being the property of, and repaired by

and kept under the control of Government, or being private property, unless these roads and bridges are specially made over to the Commissioners by the Government or by owners, in the case of private roads.

18. It is proposed to recover fines under Section 10 of Act XXVI of 1850, that is, under Act II of 1839, but this Act has been repealed. It will be better to specify

that these fines should be recovered in the manner prescribed by Section 61 of the Code of Criminal Procedure, as is done in the District Municipal Improvement Act III of 1864 (Bengal), Section 80.

No. 283. ORDER THEREON, 30th November 1864, No. 1715.

The Rules of the Municipal Commission of the Civil Pettahs of Bellary have been referred to the Sanitary Commissioners, who have reported on them.

2. The Governor in Council proceeds to review the rules seriatim, and to point out the alterations he considers expedient.

Rule I. The Vice-President must be appointed by Government; the Magistrate will, therefore, be good enough to recommend some gentleman for that office.

Rule II. Provision should be made for any three Commissioners being able to call a General Meeting, by addressing a requisition to the Secretary.

Rule III. The President cannot be allowed a *vote*; he may and should have a casting vote.

Rule IV. The *Chairman* (a title which may be adopted for the purpose of distinguishing him from the President) of the Sub-Committee should be elected by the Commissioners.

Rule V. The consent of a General Meeting should be made necessary for the entry into a contract of Rupees 300, or the dismissal of the Secretary; and the President's consent should not take the place of that of a General Meeting: a quorum of three should be necessary for the discharge of all business of the Sub-Committee.

Rule VI should be altered into a provision empowering the Chairman of the Sub-Committee to refer any matter to a General Meeting, not to the President.

Rule XIII. The Government agree with the President of the Sanitary Commission in thinking this a small percentage; and as it is possible that more accurate information may now be before the Commissioners, they suggest the alteration of the rate, if it appear now to be insufficient.

Rule XIV. No appeal is provided against the valuation of the Commissioners; this should be remedied.

Rule XVII. A provision should be made, that in no case shall the Bill Collectors retain any collections beyond the day on which they are made. Section 61 of the Code of Criminal Procedure should be substituted for Act II of 1839, which has been repealed.

Rule XX. Some provision should be made for ascertaining that the Secretary retain no more than Rupees 250; and, in accordance with the standing orders of the Board of Revenue, it should be provided that no custody of the cash, but only safe custody of the box containing it, be imposed upon the Treasury officials.

Rule XXI. Roads, &c., the property of Government, should be excepted, unless the Commissioners are prepared to take them over and be responsible for their conservancy.

Rule XXII. Provision should be made by which the Commissioners may prosecute or perform all acts necessary in any Court by means of some one of their body or officers, ex-officio, in order to obviate the necessity for Vakalatnamahs.

Rule XXIII. The latter portion of this rule must provide that ground for the purpose shall be taken under Act VI of 1857. The rule must therefore be re-cast, and the reference to Panchayat omitted.

Rule XXV. The latter part of this rule should be "and such building may be removed, &c."

Rule XXVII. This rule must be altered; the attention of the Commissioners is drawn to Section 27, Act XIV of 1856, in accordance with the spirit of which the rule should be framed. The question of damage should be referred to a Jury appointed as in Section 310, Criminal Procedure Code.

Rule XXX is vague, and being a penal clause, should be distinctly worded. Do the Commissioners mean that any one not putting a basket before his door is to be fined, or that "other rubbish" is to be collected by a house-holder to be so placed?

Rule XXXV is very vague; the Sanitary orders should form part of the rules, otherwise there is no security for their due publication. The Government are, however, willing to sanction the issue of special Sanitary rules in cases of severe outbreaks of cholera and other epidemics.

Rule XXXVIII. It is not becoming that the Secretary to the Commission, a servant on a salary of Rupees 30 per mensem, should address, "in grave and important cases," the Superintendent of Police. The Magistrate being President of the Commission, all communications which it may be necessary to make to the Superintendent may easily go through him. The Secretary may communicate with the Head Constable, or the Inspector of the Town Police by letter; and this will serve all purposes. The Magistrate being ex-officio President, it is unnecessary for the Commissioners to address him as laid down in the close of this rule. The working Sub-Committee Chairman may communicate with him, and he may act as Magistrate, at once, without circumlocution.

Rule XXXIX. The term "expense incurred" is vague. The rule should run, "Whenever any penalty inflicted upon any person under any of the foregoing rules, or the amount of any expense which the Commissioners may have incurred in performing any act, which, under any rule, they are empowered to perform at the expense of any person, or any assessment due by any person, shall not be paid on demand, it shall be lawful for the Commissioners to require by letter, or to empower their Secretary to request, in person, any Magistrate to recover the said amount under Section X of the Act, and Section 61, Criminal Procedure Code."

Appendix A. As suggested by the President of the Sanitary Commission, the offices of the Secretary and the Conservancy Inspector on Rupees 30 and Rupees 30 respectively, might, with advantage, be bestowed upon one person with a salary of Rupees 50 to Rupees 70, for which latter sum a thoroughly competent person might be obtained.

3. Provision should be made for public notice of the valuation and assessment made by the Commissioners, for the hearing of appeals, and making amendments in the rates, &c.

4. The subject of the last item of Clause 2, Section VII of the Act, the insurance of the safety and due application of the rates, does not seem to have been sufficiently considered. Provision is necessary for a proper and sufficient audit of the accounts, and for control over the Secretary's operations. It is nowhere provided how, and by whom, salaries are to be paid, or in whose hands the cash is to remain. Government servants, as such, must not be made responsible for the pro-

perty of the Commission; but, from Rule XX, it would appear that the deposit of the cash in the Government Treasury is contemplated. By whom, or under what authority, it is to be withdrawn, does not appear. Provision is necessary for the requisition of security from the cash-collecting or retaining officers of the Commission.

5. The Governor in Council has abstained from a more general re-casting of the rules, since it is in contemplation to prepare a standard set of rules, which will be supplied to each Commission, who will then have the opportunity of revising their own rules, with reference to the standard set.

(True Extract.)

Chief Secretary.

To the Magistrate of Bellary.

" Municipal Commissioners for the Civil Pettahs at Bellary.

" Sanitary Commission.

Edw. J. Tulloch.

The PSC will
 be asked to provide
 to make his own
 use of the
 with a view to
 the PSC will
 be asked to provide
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 with a view to

Office of Sanitary Commission
 Octacumund 30th Sept. 1964 / 2

President Sanitary Commission

Sanitary Commission

Fort St. George

referred to the PSC
 under date July 29th
 has not returned.

referred to the
 Commission under
 date June 25th
 has not returned.

I have the honor to submit the following remarks
 on the Rules drawn up by the Commission appointed to
 bring Act XXXI of 1955 into force in the town of Octacumund
 and in the District of Octacumund.

I have to inform you that the delay that has
 taken place in submitting these Rules which has been caused
 by my absence from the District and by the papers having been missing.

Before remarking on the Rules I would observe that it
 will be of advantage to substitute for the imperfect Conservancy
 Rules at present in force under the various Municipalities a
 uniform and more complete set of Conservancy clauses applicable to all towns & Districts.

I propose shortly to lay before the Government the
 Conservancy clauses which I have prepared for the District of
 Octacumund. These clauses may be conveniently applied
 wherever Act XXXI of 1955 is in force and remain in force until

such time as an Indian Public Health Act may be passed which
 would supersede all Rules connected with Conservancy and Public
 Health.

Respectfully,
 Secretary to the Sanitary Commission

business in office. President the magistrate of the district.
It is proposed that there should be general meetings every quarter
we have the municipal administration should in reality be carried
on by a sub-committee of five, nominated by the President and
removable at his pleasure.

6 Further power is given to the President to appoint and remove
any person or persons by a majority of his appointees
of the Council. The President is to be empowered
to appoint or remove any person within the year.

7 - of the number of municipal
commissioners has not already been determined by Government.
I think it will be found more practically useful to limit
the number of municipal commissioners to six besides the
President, and not to have any sub-committee.

The object of the distribution of power is to
transfer the responsibility of the district to the municipal
commissioners instead of its remaining with the whole
municipal corporation.

8 I do not consider that the President should have a vote
in the Council. The President should have a casting vote but should
otherwise be on equality with his fellow commissioners and
should certainly not have the power to nominate and
remove at his pleasure the sub-committee.

9 It will be convenient to have a vice President to supply
the place of the President when absent but he should I think
be nominated by the Government. The President or vice
President should for the transaction of the business connected
with the making any order authorized by the Rules. The
business should be carried on by the sub-committee.

Carried
to committee
on 10th May

Provided that it shall not be lawful for the President or
President to exercise any power which it is by the Act and Rules ex-
pressly declared shall be exercised by the Commissioners at a meeting.

10 I would recommend that the appointment and dismissal of
all the dependants except the Secretary of the Municipal Commission
should be subject to the President in his house with the vice President.

11 The Secretary should be appointed and removed by the vote
of a majority of the Municipal Commissioners.

12 The Municipal Commission should constitute
a committee for the transaction of business at a meeting.

13 It is proposed to establish a committee - I have no objection to
it is proposed to give to the President a Secretary and to
to be the chief of the district and to be the chief of the district
and to be the chief of the district and to be the chief of the district
in which I have no objection to the Secretary of the district.

14 It is proposed to give to the President a Secretary and to
to be the chief of the district and to be the chief of the district
in which I have no objection to the Secretary of the district.

15 I have not any personal knowledge of the matter, but the matter
should be referred to the Council for their consideration.

16 There is no objection to the provisions for the Municipal Commission
which are in the Bill, and the Commission should be the
for the Municipal Commission and for the Secretary of the district.

There are only two provisions in the Bill of the Municipal Commission

17 It is proposed by the Bill to give all roads, streets,
lanes and footpaths in the Municipal Commission and except those should
be made of bricks and should be the property of the
Municipal Commission and should be under the control of the Government.

Carried
to committee
on 10th May

or being private property - unless these roads and bridges are specially made over to the Commissioners by the Government or by owners in the case of private roads.

18. It is proposed to recover fines under Section 10 of Act II of 1854 but this Act has been repealed.

It will be better to specify that these fines should be recovered in the manner prescribed by Section 101 of the Code of Criminal Procedure and in the District Municipal Act II of 1854. Section 101.

19. These rules are extremely ill drawn and the meaning of some of the rules is scarcely intelligible.

It is not stated in the rules what is the number of the Commissioners and there is no provision for a President or Vice President to be elected for the management of the Corporation. It is proposed to make one Commissioner.

20. It should be provided that the Corporation be elected upon by a majority of five of the Commissioners to be elected by a majority of electors.

I think this will be found very inconvenient and that all authority over the municipal accounts should rest with the President or Vice President in the absence of the President.

21. The rules for amendment appear to me very complicated and it is not unnecessary to make sufficient provisions has not been made for appeals against the orders of the Corporation and for their revision and amendment.

Section 101 of 1854 under which it is proposed to collect these fines and also the fines for the rules has been repealed.

22. There is no provision for the disbursement of money or for the recording of the accounts to be provided. This seems an omission.

vide Section 101

Section 101 of the Code of Criminal Procedure

Section 101 of the Code of Criminal Procedure

Section 101 of the Code of Criminal Procedure

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23. The enclosure rules are very ill drawn and very ill expressed.

23. It is proposed that on any subject save those mentioned by Law I may be framed by the Committee altering the Rules.

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I have the honor to be
Your most obedient servant

R. M. S.
President Sanitary Commission

- Enclosures
- (1) Letter of the Government of Bombay & Chief Secy to Govt. and Rules drawn up by Comtee appointed to bring Act XXV of 1850 into force in the town of Amalapur.
 - (2) From President Municipal Comtee, Amalapur, Bombay with rules for guidance of the Municipal Comtee of the Amalapur, Bombay.

PROCEEDINGS of the MADRAS GOVERNMENT.

Dictyospora

to call a general meeting
by accepting a requisition to the
Secretary.

III The President cannot be
allowed a vote - he may and
should have a casting vote.

IV The Chairman (a title
which may be applied for the
purpose of distinguishing him
from the President) should be
elected by the Commisssioners.

V The conduct of a general
meeting should be made necessary
for the entry into a contract of Rs
500 or the disbanding of the treasury
and the President cannot should
not take the place of that of a
general meeting. A Quorum of
three should be necessary for
the discharge of all business
of the Club Committee.

Rule VI should be altered into
a provision empowering the
Chairman of the Club Committee
to refer any matter to a general
meeting - not to the President.

XVII The government agree

Proposed rule VI
of Section 10 & 11
to be in conjunction
with the
Salaries of the
President & Vice President

11/13
an apt. note
in N XXXIV

II with the President of the Secretary
Commission in thinking that a
small percentage - and as it is
possible that more accurate in-
formation may now be before
the Commissioners they suggest
the alteration of the rate, if it
appear now to be insufficient.

XIII An appeal is provided
against the valuation of the Com-
missioners; this should be removed.

XIV A provision should be
made that in no case shall
the Audit Collection retain any
collections beyond the day on which
they are made. Section 64 of the Code
of Criminal Procedure should
be substituted for Act II of 1859
which has been repealed.

XV Some provision should
be made for ascertaining that
the Secretary retains no more
than Rs. 200; and in accordance
with the standing order of
the Board of Revenue it should
be provided that no custody of
the cash, but only safe custody
of the box containing it, be

imposed upon the Treasury
Officials.

XXI Road to the property of
Government should be excepted
unless the Commissioners ^{are prepared to} take
them over and be responsible for
their condemnation.

XXII Provision should be
made by which the Commissioners
may ~~perform~~ ^{perform} all acts necessary in any Court
by means of
some ^{one} of their body or officers,
or officers, in order to obviate the
necessity for Takalatnamahs.

XXIII The latter portion of
this rule must provide that
proceedings for the purpose shall
be taken under Act VI of 1867.
The rule must therefore be
repealed and the reference to
Amendment omitted.

XXIV The latter part of this
rule should be "and such building
may be removed."

XXV This rule must be
altered the attention of the
Commissioners is drawn to Section
Act VI of 1866 in
Act VI of 1866.

accordance with the spirit of
which the rule should be framed.
The question of damage should
be referred to a jury appointed
as in Section 810 Criminal
Procedure Code.

XXVI is vague, and being a penal
clause should be distinctly worded.
The Commissioners mean
that any one not putting a
basket before his door is to be fined
or that other rubbish is to be
collected by a householder to be
disposed.

XXVII is very vague. The sanitary
orders should form part of the
rules. Otherwise there is no
security for ^{their} due publication of
the rules.

The Govt are however willing to
sanction the issue of special
sanitary rules, in case of these
outbreaks of cholera & other
epidemics.

XXVIII It is not becoming
that the Secretary to the Commissioners
a servant on a salary of Rs 20 per
month, should assist in grave
and important cases. The Chief
Magistrate, the Magistrate
being President of the Commission,
which it may be
all communications, necessary
to

to be made to the Superintendent
may easily go through him
The Secretary may communicate
with the head Constable, or ^{that} Inspectors
of the Town Police by letter, and
that will serve all purposes.
The Magistrate being ex-officio
President it is unnecessary for
the Commissioners to address
him as laid down in the order
of this rule. The working sub-
Committee Chairman may
communicate with him, and
he may act as Magistrate at
once, without circumspection.

~~XXXX~~ The term 'expense in-
curred' is vague. The rule
should run: "Whenever any
penalty is inflicted upon any
person under any of the foregoing
rules, or the amount of any ex-
pense which the Commissioners
may have incurred in perform-
ing any act, which under
any rules they are empowered
to perform at the expense
of any person - or any

expenses

Appendix A. As suggested
by the President of the County
Commission, the Secretary
& the Inspectors
at £10 & £20 respectively
ought, with advantage, to
be retained upon the person
with a salary of £50 to £70
if such letter even a the
competent person might
be obtained.

assessment due by any person,
shall not be paid on demand, it
shall be lawful for the Commis-
sioners to require by letter, or to empower
their Secretary to request in person
any Magistrate to recover the said
amount under Section II of the
Act and Section 61 Criminal
Procedure Code.

Provision should be made
for public notice of the valuation
and assessment made by the Com-
missioners for the hearing of appeals
and making amendments in the
rates &c.

14 The subject of the last
item of clause 2 Section VIII of
the Act, the insurance of the
safely and due application of
the rates does not seem to have
been sufficiently considered. Provision
is necessary for a proper and
sufficient audit of the accounts
and for control over the Secretary
operations. It is moreover provided
how and by whom salaries are
to be paid, or in whose hands
the cash is to remain. Government

demands, as such, must not be
more responsible for the propriety
of the Commission, but from
Rule 28 it would appear that
the deposit of the cash in the
Government Treasury is con-
templated. By whom, or under
what authority it is to be
withdrawn, does not appear.
Provision is necessary for the
removal of the cash collecting or retain-
ing officers of the Commission.

3 The Governor in Council
has abstained from a more
general recasting of the rules,
since it is in contemplation to
prepare a Standard set of rules,
which will be supplied to each
Commission, who will then
have the opportunity of revising
their own rules with reference
to the Standard set.

Wm. J. H. H.

To the Magistrate of Balla
To the Municipal Commissioner for the
East Indies of Balla
Secretary Commission

14

1864. Department.

No. 1715.

PROCEEDINGS OF GOVERNMENT

Dated 30 Nov 1864

261-281