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MADRAS RECORD OFFICE.

Government of Madras.

Local & Municipal **DEPARTMENT.**

Local.

G.O. No. 1485 L Press / Mis.

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8/2/39

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Order—dated 1st July 1889, No. 1485 L., Local and Municipal.

The accompanying draft Bill to amend Madras Act V of 1884 (The Madras Local Boards Act), with Statement of Objects and Reasons, will be circulated to all Presidents of District Boards, for remarks and suggestion of any further amendments which may appear to them necessary. Such remarks and suggestions should be submitted to Government not later than the 30th September.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To all Presidents of District Boards.

Exd. A. Raitt.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

ORDER—dated ~~May~~ 1889, No. L., Local and Municipal.

The accompanying draft Bill to amend Madras Act V of 1884 (The Madras Local Boards Act), with Statement of Objects and Reasons, will be circulated to all ~~Collectors and~~ Presidents, District Boards, for remarks and suggestion of any further amendments which may appear to them necessary. Such remarks and suggestions should be submitted to Government not later than the

(True Extract.)

Chief Secretary.

To

Exd. A. Raitt.

Govt. of {1889} Madras.

LOCAL AND MUNICIPAL.

Issued

Recd. *Encl.*

G.O., 1st July 1889, No. 1485 L.

JULY.

Madras Act V of 1884.

Circulating to all Presidents of District Boards the draft Bill to amend, — with Statement of Objects and Reasons, for remarks and suggestion of any further amendments which may appear to them necessary, and ordering that such remarks and suggestions be submitted to Government not later than the 30th September.

No. OF 1888.

A

BILL

TO

Amend Act V of 1884 (*The Madras Local Boards Act.*)

WHEREAS it is expedient to amend the Madras Local Boards Act V of 1884: It is hereby enacted as follows:—

1. In clause 1 of section 2 of the said Act the figures "1884" shall be substituted for "1878."

2. In clause iii of section 3 the words "or any portion or portions thereof" shall be inserted after the word "villages."

3. In clause x of section 3 the words "over which the public now have a right of way and which is not private property" shall be substituted for "which now is a public street."

4. In section 5 the words "by an order in writing with a statement of his reasons for making the same" shall be inserted between "may" and "in like manner."

5. In clause 1 of section 6 the words "any village or villages or any portion or portions thereof" shall be substituted for "any village or group of villages," and the words "by an order in writing with a statement of his reasons for making the same" shall be inserted between "may" and "at any time."

6. In section 8 the words "and of not more than forty" shall be inserted after "twenty-four."

7. In section 14 the words "and of not more than twenty-four" shall be inserted after the word "twelve."

8. In section 15 the following clause shall be inserted after clause 1, and the present clause 2 shall be read as clause 3:—

"2. In the event of a taluk constituted under section 5 containing areas belonging to more than one Revenue division, the Governor in Council shall declare which of the Revenue Divisional Officers concerned shall be President of the Taluk Board, and the other or others shall be members ex-officio."

9. In the proviso to section 19 the words, "But such notification shall not come into force until one month after the same shall have been published in the *Fort St. George Gazette* and in the local Gazette of the district," shall be added at the end.

10. In clause 2 of section 23 the words "or on quitting the same for a period extending beyond three months" shall be inserted after the word "authority."

11. In clause 1 of section 24 the words "by notification" shall be inserted after the word "time."

12. In clause 1 of section 31 the words "then on the Board" shall be inserted after "members."

13. In clause 2 of section 32 the words "scrutiny and" shall be inserted between "for" and "publication."

14. In clause 3 of section 33 the words "from time to time" shall be omitted, and the words "for a period not exceeding three consecutive months at one time" shall be inserted after the word "exercise."

15. In clause 1 of section 42 the words "or cause to be paid" shall be inserted after the words "shall also pay."

16. In clause 2 of section 42 the words "or for any public or private body" shall be inserted after the word "Government," and the words "or the public or private body concerned" shall be inserted after "Governor in Council" in line 4.

17. In clause 4 of section 42 the words "or unless some other Government servant be deputed to replace the one withdrawn" shall be added at the end.

18. In clause 1 of section 46 the following proviso shall be inserted between clauses viii and 2 :—

"Provided that no rules as to the matters mentioned in clauses iii, v, vi, vii, or viii shall be valid until they have been confirmed by the Governor in Council."

19. The following section shall be inserted after section 50 :—

"50-A. Any hospital, dispensary, school, choultry, market, tank, well, &c., in any district not being private property, and any medicines, furniture and other articles appertaining thereto and not being private property, may, by notification of the Governor in Council, be vested in the Local Board, and thereupon all endowments or funds belonging to such hospital, dispensary, school, choultry, market, tank, well, &c., shall be transferred to and vest in the Local Board as trustees to hold and apply the same to the purposes to which such endowments and funds were lawfully applicable at the time of such transfer. Provided always that no such notification shall be issued until one month after the intention to transfer such property shall have been notified by the Governor in Council."

20. In clause 2 of section 51 the words "within whose jurisdiction such endowment is situated" shall be omitted.

21. In clause iii of section 57 the words "or upon foot-passengers going over bridges at such rates as may be approved by the Governor in Council" shall be inserted after "Schedule B."

22. In clause v of section 57 the words "use of markets, slaughter-houses and cart-stands constructed or maintained from Local Funds and fees for the temporary use of" shall be substituted for "temporary use of cart-stands and of markets."

23. In section 63 the words "vehicles or animals" shall be inserted after the word "persons," and the word "tolls" shall be inserted after "taxes."

24. The following section shall be inserted after section 79 :—

"79-A. (1) The tax imposed under section 77 shall be payable by the owners of the houses in two equal instalments.

"(2) The instalment for each half-year shall be payable within thirty days after the commencement of such half-year."

25. In clause 1 of section 80 the word "half-year" shall be substituted for "year."

26. In section 86 the following words shall be added at the end :—

"They may in like manner exempt, with the approval of the Governor in Council, any classes of houses."

27. In section 87 the following clause shall be substituted for clause (3) :—

"No tolls shall be paid for the passage of troops, Government stores, Government vehicles or animals, or any other Government property or by Military or Police officers on duty ; or for the passage of any person or property in their custody, or of any servant of a Local Board while on duty, or of any stores or materials being the property or intended for the use of a

Local Board, or for the passage of vehicles or animals licensed by the District Board while such licenses are in force."

28. In clause 1 of section 93 the word "slaughter-houses" shall be inserted after "cart-stands" in line 6.

29. In clause viii of section 95, the words "or specially sanctioned by the Local Board with the approval of the Governor in Council" shall be inserted after the word "Act."

30. The following sections shall be inserted after section 100 :—

100-A. The Taluk Board may set apart—

(i) for drinking purposes such public tanks, springs, wells or other places, or such parts of any public rivers, streams, channels or water-courses as they may deem fit, and

(ii) for bathing purposes, public tanks or parts of public rivers, streams, channels or water-courses, and they may also set apart such tanks or other places for the purpose of washing animals or clothes or for any other purpose connected with the health, cleanliness, comfort or convenience of the inhabitants.

100-B. Whoever—

(i) bathes in or in any other manner fouls the water in any part of any river, stream, channel, water-course, pipe, tank, spring, well, or any other place set apart by the Taluk Board, or in the case of private property by the owner thereof, for drinking purposes, or

(ii) washes an animal or clothing in a place set apart for bathing, or washes any cooking utensil or wool, skins, or other foul or offensive substance in a place set apart for washing clothes or for bathing, or

(iii) puts therein any rubbish, filth or other offensive matter, or

(iv) causes or suffers to drain or to be brought into any such place the water of a sink, sewer, drain, engine or boiler, or other offensive matter belonging to him or flowing from any building or from any ground belonging to or occupied by him,

shall be liable to a fine not exceeding Rs. 20 for each offence.

Prevention of Infectious Diseases.

100-C. (1) The President of a Taluk Board, or any officer duly appointed by him in writing in this behalf, may enter at any time, after two hours' notice, into any building or premises in which any epidemic, endemic or dangerous infectious disease is reputed or suspected to exist, for the purpose of inspecting such building or premises.

(2) No such inspection shall be made except in the hours between sunrise and sunset.

(3) If the President is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice, provided always that when, in the opinion of the President, the owner or occupier is from poverty or otherwise unable effectually to carry out the said requirements, the President may cleanse or disinfect such building or premises, and any articles therein likely to retain infection, at the expense of Local Funds.

100-D (1) The President may, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous infectious disease may be washed.

(2) The President may direct the destruction of bedding, clothing or other articles likely to retain infection, and may, in his discretion, give compensation for the articles destroyed.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1) of this section, shall be liable to a fine not exceeding Rs. 50.

Miscellaneous.

100-E (1) The Taluk Board may, and if so directed by the District Magistrate shall, from time to time, cause to be notified by beat of drum or otherwise that pigs and dogs found straying within certain limits will be destroyed.

(2) Pigs and dogs found straying within such limits after such notification may be destroyed by any person in such manner as the Divisional Magistrate may, from time to time, direct.

31. In section 102 the words "Local Board" shall be substituted for "District Board."

32. In clause 1 of Section 106 the words "or any portion of a district" shall be inserted after "district," and in clause 2 the words "Local Board" shall be substituted for "District Board," and the words "said area" for the word "district."

33. In section 107 the word "area" shall be substituted for "district."

34. In clauses 1 and 2 of section 112 the words "Local Board" shall be substituted for "District Board," and in clause 1 the words "area proclaimed under section 106 (2)" shall be substituted for the word "district" in line 5.

35. In section 113 the words "Local Board" shall be substituted for "District Board."

36. The following sections shall be inserted after section 117:—

Public Markets.

117-A (1) The Taluk Board may, by a resolution passed at a meeting and with the sanction of the Governor in Council, determine to provide places within the taluk for the purpose of being used as public markets, and the Taluk Board may charge such rents, tolls, and fees as they may deem fit for the use of, or right to expose goods for sale in, such markets, and for the use of shops, stalls, sheds, pens and standings therein.

(2) The Taluk Board may, at a meeting with the sanction of the Governor in Council, determine to close any such market or any part thereof.

(3) The Taluk Board may, at a meeting with the sanction of the Governor in Council, frame bye-laws for the regulation and control of such market. The Taluk Board may expel from any such market any one who, personally or through his servants, may be convicted of disobeying any such bye-law, and may prevent such person from further carrying on, personally or through his servants, any trade or

business in such market or occupying any stall, shop or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop or other place.

117-B. Whoever, without the permission of the Taluk Board, sells or exposes for sale any article within a public market in which the Taluk Board shall have determined to levy fees, shall be liable to a fine not exceeding Rs. 20 for each offence.

Private Markets.

117-C. The Taluk Board may determine, with the approval of the Governor in Council, places in which the control over private markets shall be vested in them.

117-D. (1) Every person intending to open a new private market for the sale, or exposure for sale, of animals or articles of human food in places determined by the Taluk Board under section 117-C, shall obtain from the Taluk Board a license to do so.

(2) The Taluk Board may at a meeting grant or refuse such license.

(3) If they grant such license they shall cause a notice of such license to be affixed in English and in the vernacular language of the district in some conspicuous place at or near the entrance to such licensed market, and also to be published in the District Gazette at the cost of the person to whom the license shall have been granted.

117-E. Whoever knowing that such license has not been granted, sells or exposes for sale in such market any animal or article, shall be liable to a fine not exceeding Rs. 20, and to a further fine not exceeding Rs. 10 for every day after conviction during which he sells or exposes for sale therein any animal or article.

117-F. (1) In the places determined by the Taluk Board under Section 117 (C), the owner of every market for the sale or exposure for sale of animals or articles of food shall, in the first month of each official year, obtain from the Taluk Board a license to keep open such market on payment of a fee not exceeding Rs. 10.

(2) The Taluk Board at a meeting may, under such conditions as they shall think fit, grant or refuse such license; and they

shall refuse it if the market is, by position, construction or arrangement, unfit, in their opinion, for the purpose of a market and calculated to be a nuisance to the neighbourhood. The Taluk Board at a meeting may refuse, suspend or withhold the license until any or all of such works as may be ordered by them, or any or all of the terms of the license, are carried out; and the Taluk Board shall cause a notice of such refusal, suspension, or withholding to be affixed in English and in a vernacular language of the district in some conspicuous place at or near the entrance to such market, and also to be published in the District Gazette.

117-G. If the Taluk Board by an order in writing refuse to grant, suspend or withhold such license in the case of any market referred to in Section 117 F. and such market is kept open during the time that the said order remains uncancelled, the owner of such market and every person who having notice of such order, sells or exposes for sale any animal or article therein, shall be deemed to have opened a market without the license of the Taluk Board and to have sold or offered for sale animals or other articles therein.

117-H. Every owner, farmer, or occupier of any market for the sale of any animal or vegetable food or drink in the places determined by the Taluk Board under section 117-C shall—

(i) construct such drains and cesspits therein as the Taluk Board direct;
(ii) cause such market to be roofed and paved with such materials and in such manner, and provided with such latrines and urinals of such description and in such position and number as the Taluk Board direct;
(iii) provide for such supply of water to such market as the Taluk Board direct; and
(iv) make such alterations in the stalls, passages, shops, doors or other parts of the said market or place as the Taluk Board direct.

117-I. (1) If such owner, farmer, or occupier after notice given to him by the Taluk Board, directing him to carry out within a period to be specified in the notice any of the measures provided in the

last preceding section, fails to comply with such notice, the Taluk Board may suspend, withhold or refuse the license until the notice shall have been complied with; and any person opening or keeping open any such market after such withholding, suspension or refusal, shall be liable to a fine not exceeding Rs. 20 for every day during which such market or place is so opened or kept open.

(2) Any owner, farmer, occupier, agent, or manager in charge of any such market or shop, stall, shed, or other place therein, who keeps the same so that it is a nuisance, or who does not cause anything that is a nuisance to be at once removed to a place to be notified by the Taluk Board, shall be liable to a fine not exceeding Rs. 20 for each offence.

117-J. The Taluk Board, or any officer duly authorized by them in that behalf, may close any market, the license for which has been refused, withheld or suspended.

117-K. (1) The Taluk Board may, from time to time, by notification, by beat of drum and by publication in the District Gazette, prohibit the sale, or exposure for sale, of any articles in or upon any specified public street or part of such street, and may in like manner cancel, suspend or modify such prohibition.

(2) Whoever after such notification sells or exposes for sale any articles in any such street against the terms of such notification, shall be liable to a fine not exceeding Rs. 10.

Public Slaughter-houses.

117-L. The Taluk Board may provide a sufficient number of places for the purpose of being used as public slaughter-houses, and may levy a fee on each animal slaughtered therein at rates not exceeding Re. 1 for every head of cattle, and Annas 2 for every sheep, goat or pig.

117-M. The Taluk Board may, with the previous sanction of the Governor in Council, declare that no person shall slaughter or permit to be slaughtered or cut up or skin, or permit to be cut up or skinned any cattle, sheep, goat or pig at any place in any town or village other than at a public slaughter-house provided by the Taluk Board except with the written permission of the President, and any person acting in contravention to such

declaration shall be liable to a fine not exceeding Rs. 20 for each animal or skin.

117-N. The provisions of sections 117-L and 117-M shall not apply to places used by Government for the purposes mentioned in the said sections.

Cart-stands.

117-O. The Taluk Board may, from time to time, provide places for the purpose of being used as cart-stands or public halting places, and may levy fees for the use thereof.

37. In section 119 the words "and of not more than twelve" shall be inserted after the word "five."

38. In clause 1 of section 120 the words "or portion of such village" shall be inserted after the word "village."

39. In section 122 the following proviso shall be added at the end:—

"Provided that the Governor in Council may, by notification from time to time, cancel or modify such declaration. But such notification shall not come into force until one month after the same shall have been published in the *Fort St. George Gazette* and in the local Gazette of the district."

40. In section 125 the following shall be inserted as clause 2:—

"Any person holding a salaried office under Government who is a member of the Panchayat shall, on being transferred from the local area over which such Panchayat has authority, or on quitting the same for a period extending beyond three months, be deemed to have vacated his office of member of such Panchayat."

41. In clause 2 of section 132 the words "from time to time and in like manner" shall be omitted, and the words "for a period not exceeding three months at one time" shall be inserted after the word "exercise."

42 In section 139 the words "district or" shall be omitted.

43 In clause 1 of section 140 the words "in any union" shall be inserted after "house-tax," the word "any" shall be substituted for "the" before "fees," the word "such" shall be substituted for "any" in line 2, the words "ii and" in line 3 shall be omitted, and the words "and (V)" shall be inserted before "shall" in line 3.

44 In section 141 the words "as also any other matters which the Taluk Board may specially depute to them" shall be added after "administration"; the clause "(*a*) Lighting streets" shall be inserted under the head "I—In all Unions"; and the present clauses (*a*) and (*b*) shall be read as (*b*) and (*c*).

45. Section 142 shall be omitted.

46. In section 146 the words "unless the Governor in Council shall otherwise for any special reason direct" shall be inserted between "operation" and "until."

47. In clause 2 of section 152 the words "or of any particular Local Board or Boards and Panchayat or Panchayats" shall be inserted after the word "Panchayats," and the word "concerned" shall be added at the end.

48. In lines 1, 5, 6 and 7, clause 1 of section 155, the word "toll" shall be inserted after the word "tax" wherever it occurs.

49. The following section shall be inserted after section 162:—

"162-A (1) If under this Act the license or written permission of the Local Board or their President is necessary for the doing of any act in respect of any property, moveable or immoveable, public or private, and if such act is done—

"(i) without such license or permission, or

"(ii) when such license or permission shall have been granted, in a manner inconsistent with, or contrary to, the terms of such license or permission, and if no penalty has been specially provided in this Act for any act so done, the person doing such act shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 50 for every such offence, and to a further fine not exceeding Rs. 10 for every day during which the said offence is continued after such conviction.

"(2) And the Local Board may by notice require any such person to alter, remove, or, as far as practicable, restore to its original state, the whole or part of such property within a time to be specified in such notice."

50. In Schedule A the words "maximum rates of the" shall be inserted before the heading "Tax on houses."

51. In Schedule B the words "on every horse not under thirteen hands, not laden or ridden" shall be substituted for "on every horse not laden or ridden."

52. In Schedule C the word "fifteen" shall be substituted for "seven."

STATEMENT OF OBJECTS AND REASONS.

The Madras Local Boards Act V of 1884 has now been in operation for over four years and certain minor defects have from time to time been noticed in its provisions. It is proposed to amend these, without making any radical alteration in the Act or departing from its main principles and provisions, and hence the accompanying draft Bill. The reasons for the various changes proposed are briefly noted below :—

Section 1 *of the Bill.*—The present City of Madras Municipal Act is Act I of 1884, which has repealed Act V of 1878.

Section 2.—The definition of a "Union" is altered so as to allow of portions of revenue villages being included in or constituted unions.

Section 3.—The definition in the existing Act is tautological and has given rise to difficulties in regard to what were, and what were not, "public streets" at the time the Act came into force.

Sections 4 *and* 9 carry out the suggestions made by the Government of India in paragraphs 2 and 3 of the letter recorded in G.O., dated 4th August 1884, No. 178, Legislative.

Sections 5 *and* 38.—The object of the amendment is to alter the section so as to suit the revised definition of a union, and in the case of section 5 to carry out also the spirit of the suggestion of the Government of India in paragraph 2 of the letter recorded in G.O., dated 4th August 1884, No. 178, Legislative.

Sections 6, 7 *and* 37.—It is thought desirable to provide a maximum strength for Local Boards and Panchayats so as to guard against the possibility of these bodies becoming unnecessarily large and consequently unwieldy.

Section 8.—This is to meet cases in which it is thought desirable to unite into one Local Fund taluk two or more Revenue taluks belonging to separate Revenue divisions. As the Act at present stands there would be two *ex-officio* Presidents in such cases, unless the privilege of electing a President were conferred on the Board, which might not be advisable.

Section 10.—This is to meet the case of officers who take leave for long periods, retaining a lien on a local appointment. As the Act at present stands they would, under such circumstances, also retain their seats on the Local Board.

Section 11.—It is considered desirable that the exercise of the powers conferred on the Governor in Council by section 24, Act V of 1884, should be publicly notified.

Section 12.—This makes clear the obvious intention of the existing Act.

Section 13.—The object of the amendment is to show that it is the duty of the Divisional officer not merely to forward the resolutions of the Local Boards to the District Gazette, but also to peruse them carefully and bring to notice any proceedings which he may consider irregular.

Sections 14 *and* 41.—The words proposed to be omitted are superfluous. It is considered desirable to prevent the transmission of power by a President or Chairman to a Vice-President or Member for an indefinite period.

Section 15.—The amendment will permit a Government servant to make payments direct from his salary.

Section 16.—The advantage of the proposed amendment is evident. It may, for example, be found desirable that the servants of Local Boards should do work for Municipalities or Railways.

Section 17.—This provides for cases in which the immediate withdrawal of a particular individual from Local Fund service may be desirable for departmental reasons.

Section 18.—It is desirable to place beyond doubt the financial control which the Government is entitled to exercise over Local Boards. See also G.O., 27th September 1887, No. 972 M.

Section 19.—This merely gives the Government the power it possesses in regard to Municipal Councils under Act IV of 1884, and which it is thought desirable it should, in case of need, be able to exercise with reference to Local Boards also.

Section 20.—The object of the amendment is to assimilate section 51 of Act V of 1884 with the corresponding section of Act IV of 1884.

Section 21.—This is to provide for the substitution of a bridge toll on foot passengers in places where there were ferry tolls formerly. At present the construction of bridges at considerable expense is often a source of loss as tolls can only be levied on vehicles and animals.

Section 22.—The object of the amendment is to authorize the levy and recovery under section 93, Act V of 1884, of fees for the use of Local Fund markets, slaughter-houses and cart stands, at all times, and not on the occasion of fairs and festivals alone.

Section 23.—It is considered desirable that the Governor in Council should have power to exempt, not only persons or classes of persons from taxes and fees, but also animals or vehicles. The Act as it at present stands authorizes only the exemption of the former, and it is not clear whether this applies to tolls which are distinguished from taxes in section 57.

Section 24.—This is inserted with a view to the same procedure being observed in the collection of house-tax in Unions, as is followed in Municipalities under Act IV of 1884.

Section 25.—This amendment is necessary to suit the alteration proposed in the foregoing section.

Section 26.—The object of the amendment is to give Taluk Boards the same power for granting exemptions from house-tax which Municipal Councils possess under section 51 of Act IV of 1884. At present such exemptions can be granted only by the issue of a notification by the Governor in Council under section 63.

Section 27 follows section 91 (3) of Act IV of 1884, with the insertion of a clause exempting servants and property of Local Boards.

Section 28 follows the alteration referred to in section 22 above.

Section 29.—The purpose of this amendment is to provide for special and abnormal charges which are not covered by section 95, Act V of 1884, as it now stands.

Section 30.—It is thought desirable to give Taluk Boards, like Municipalities, power to set aside public tanks, &c., for drinking and bathing purposes. Section 99, Act V of 1884, gives them control only over private tanks, &c. For this purpose sections corresponding to sections 154 and 155, Act IV of 1884, have been added. Similarly sections corresponding to sections 231 and 232 of Act IV in regard to the prevention of infectious diseases, and section 230 prescribing the procedure to deal with stray dogs and pigs, have also been inserted.

Sections 31, 32, 33, 34 *and* 35.—The object of these amendments is to permit of the control over vaccination being vested in Taluk Boards, and of compulsory vaccination being introduced in selected portions of a district, *e.g.*, the more advanced Unions. It is essential that vaccine operations should be more closely watched by Taluk Boards and Panchayats, but this cannot be done unless the control over it is vested in them. As the Act at present stands, vaccination must be made compulsory throughout the whole of a district at once or not at all.

Section 36.—It is thought desirable that Taluk Boards, like Municipalities, should have power to open and control markets, slaughter-houses and cart-stands. In fact, these powers are now generally exercised, though without any legal sanction.

Section 39 follows section 19, Act V, and the amendment proposed in section 9 above.

Section 40.—It is considered desirable to provide for official members of a Panchayat ceasing to hold office on transfer from the local area over which the Panchayat has authority. Official members of Municipal Councils and Local Boards cease to hold office on transfer under section 18, Act IV of 1884, and section 23, Act V, respectively. At present when officials such as Hospital Assistants, who are commonly members of Panchayats, are transferred, they must submit a formal resignation before their places can be filled up.

Section 42.—Section 128, Act V of 1884, provides that every Panchayat shall be the agent and under the control of the Taluk Board, and section 167 provides for the District Board assuming the Taluk Board's place where the latter does not exist. The words omitted are therefore unnecessary.

Section 43 follows the amendment of section 57, Act V of 1884, proposed in section 22 above, and supplies an obvious omission which prevents Panchayats from levying fees in markets, &c.

Sections 44 *and* 45.—The object of these amendments is to enable Panchayats to take up the management of hospitals, dispensaries, schools, &c., which they are not at present authorized to do. It is also desirable that lighting, which is generally very popular, should be made a legitimate charge on Union Funds.

Section 46.—The qualification proposed is to provide for emergent cases where a delay of three months might be prejudicial.

Section 47 is merely a verbal amendment.

Section 48.—The object of the amendment is to remove any doubt which may now exist as to whether the word "tax" used in section 155, Act V, includes tolls.

Section 49.—It is considered desirable that a provision should be inserted in the Local Boards Act corresponding to section 263, Act IV of 1884, prescribing penalties for doing acts without license.

Section 50 is a verbal amendment.

Section 51.—It appears to have been the intention of the framers of the Act that horses under thirteen hands should not be taxed when not laden or driven. Hence the amendment.

Section 52.—This alteration is to bring the schedule into accordance with section 81 (2) of the Act

No. OF 1888.

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BILL

TO

Amend Act V of 1884 (*The Madras Local Boards Act.*)

WHEREAS it is expedient to amend the Madras Local Boards Act V of 1884: It is hereby enacted as follows:—

(1) In clause 1 of section 2 of the said Act the figures "1884" shall be substituted for "1878."

(2) In clause iii of section 3 the words "or any portion or portions thereof" shall be inserted after the word "villages."

(3) In clause x of section 3 the words "over which the public now have a right of way and which is not private property" shall be substituted for "which now is a public street."

(4) In section 5 the words "by an order in writing with a statement of his reasons for making the same" shall be inserted between "may" and "in like manner."

(5) In clause 1 of section 6 the words "any village or villages or any portion or portions thereof" shall be substituted for "any village or group of villages," and the words "by an order in writing with a statement of his reasons for making the same" shall be inserted between "may" and "at any time."

(6) In section 8 the words "and of not more than forty" shall be inserted after "twenty-four."

(7) In section 14 the words "and of not more than twenty-four" shall be inserted after the word "twelve."

(8) In section 15 the following clause shall be inserted after clause 1, and the present clause 2 shall be read as clause 3:—

"(2) In the event of a taluk constituted under section 5 containing areas belonging to more than one Revenue division, the Governor in Council shall declare which of the Revenue Divisional Officers concerned shall be President of the Taluk Board, and the other or others shall be members ex-officio."

(9) In the proviso to section 19 the words, "But such notification shall not come into force until one month after the same shall have been published in the *Fort St. George Gazette* and in the local Gazette of the district," shall be added at the end.

(10) In clause 2 of section 23 the words "or on quitting the same for a period extending beyond three months" shall be inserted after the word "authority."

(11) In clause 1 of section 24 the words "by notification" shall be inserted after the word "time."

(12) In clause 1 of section 31 the words "then on the Board" shall be inserted after "members."

(13) In clause 2 of section 32 the words "scrutiny and" shall be inserted between "for" and "publication."

(14) In clause 3 of section 33 the words "from time to time" shall be omitted, and the words "for a period not exceeding three consecutive months at one time" shall be inserted after the word "exercise."

(15) In clause 1 of section 42 the words "or cause to be paid" shall be inserted after the words "shall also pay."

(16) In clause 2 of section 42 the words "or for any public or private body" shall be inserted after the word "Government," and the words "or the public or private body concerned" shall be inserted after "Governor in Council" in line 4.

(17) In clause 4 of section 42 the words "or unless some other Government servant be deputed to replace the one withdrawn" shall be added at the end.

(18) In clause 1 of section 46 the following proviso shall be inserted between clauses viii and 2 :—

"Provided that no rules as to the matters mentioned in clauses iii, v, vi, vii, or viii shall be valid until they have been confirmed by the Governor in Council."

(19) The following section shall be inserted after section 50 :—

"50-A. Any hospital, dispensary, school, choultry, market, tank, well, &c., in any district not being private property, and any medicines, furniture and other articles appertaining thereto and not being private property, may, by notification of the Governor in Council, be vested in the Local Board, and thereupon all endowments or funds belonging to such hospital, dispensary, school, choultry, market, tank, well, &c., shall be transferred to and vest in the Local Board as trustees to hold and apply the same to the purposes to which such endowments and funds were lawfully applicable at the time of such transfer. Provided always that no such notification shall be issued until one month after the intention to transfer such property shall have been notified by the Governor in Council."

(20) In clause 2 of section 51 the words "within whose jurisdiction such endowment is situated" shall be omitted.

(21) In clause iii of section 57 the words "or upon foot-passengers going over bridges at such rates as may be approved by the Governor in Council" shall be inserted after "Schedule B."

(22) In clause v of section 57 the words "use of markets, slaughter-houses and cart-stands constructed or maintained from Local Funds and fees for the temporary use of" shall be substituted for "temporary use of cart-stands and of markets."

(23) In section 63 the words "vehicles or animals" shall be inserted after the word "persons," and the word "tolls" shall be inserted after "taxes."

(24) The following section shall be inserted after section 79 :—

"79-A. (1) The tax imposed under section 77 shall be payable by the owners of the houses in two equal instalments.

"(2) The instalment for each half-year shall be payable within thirty days after the commencement of such half-year."

(25) In clause 1 of section 80 the word "half-year" shall be substituted for "year" in lines 3 and 5.

(26) In section 86 the following words shall be added at the end :—

"They may in like manner exempt, with the approval of the Governor in Council, any classes of houses."

(27) In section 87 the following clause shall be substituted for clause (3) :—

"No tolls shall be paid for the passage of troops, Government stores, Government vehicles or animals, or any other Government property or by Military or Police officers on duty, or for the passage of any person or property in their custody, or of any servant of a Local Board while on duty, or of any stores or materials being the property or intended for the use of a

Local Board, or for the passage of vehicles or animals licensed by the District Board while such licenses are in force."

(28) In clause 1 of section 93 the word "slaughter-houses" shall be inserted after "cart-stands" in line 6.

(29) In clause viii of section 95, the words "or specially sanctioned by the Local Board with the approval of the Governor in Council" shall be inserted after the word "Act."

(30) The following sections shall be inserted after section 100 :—

100-A. The Taluk Board may set apart—

(i) for drinking purposes such public tanks, springs, wells or other places, or such parts of any public rivers, streams, channels or water-courses as they may deem fit, and

(ii) for bathing purposes, public tanks or parts of public rivers, streams, channels or water-courses, and they may also set apart such tanks or other places for the purpose of washing animals or clothes or for any other purpose connected with the health, cleanliness, comfort or convenience of the inhabitants.

100-B. Whoever—

(i) bathes in or in any other manner fouls the water in any part of any river, stream, channel, water-course, pipe, tank, spring, well, or any other place set apart by the Taluk Board, or in the case of private property by the owner thereof, for drinking purposes, or

(ii) washes an animal or clothing in a place set apart for bathing, or washes any cooking utensil or wool, skins, or other foul or offensive substance in a place set apart for washing clothes or for bathing, or

(iii) puts therein any rubbish, filth or other offensive matter, or

(iv) causes or suffers to drain or to be brought into any such place the water of a sink, sewer, drain, engine or boiler, or other offensive matter belonging to him or flowing from any building or from any ground belonging to or occupied by him,

Note

With reference to the new Section 96A proposed it is observed that this is already provided for by Section 118.

shall be liable to a fine not exceeding Rs. 20 for each offence.

Prevention of Infectious Diseases.

100-C. (1) The President of a Taluk Board, or any officer duly appointed by him in writing in this behalf, may enter at any time, after two hours' notice, into any building or premises in which any epidemic, endemic or dangerous infectious disease is reputed or suspected to exist, for the purpose of inspecting such building or premises.

(2) No such inspection shall be made except in the hours between sunrise and sunset.

(3) If the President is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof or of any articles therein likely to retain infection would tend to prevent or check the spread of any dangerous infectious disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice, provided always that when, in the opinion of the President, the owner or occupier is from poverty or otherwise unable effectually to carry out the said requirements, the President may cleanse or disinfect such building or premises, and any articles therein likely to retain infection, at the expense of Local Funds.

100-D (1) The President may, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous infectious disease may be washed.

(2) The President may direct the destruction of bedding, clothing or other articles likely to retain infection, and may, in his discretion, give compensation for the articles destroyed.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1) of this section, shall be liable to a fine not exceeding Rs. 50.

Miscellaneous.

100-E (1) The Taluk Board may, and if so directed by the District Magistrate shall, from time to time, cause to be notified by beat of drum or otherwise that pigs and dogs found straying within certain limits will be destroyed.

(2) Pigs and dogs found straying within such limits after such notification may be destroyed by any person in such manner as the Divisional Magistrate may, from time to time, direct.

(31) In section 102 the words "Local Board" shall be substituted for "District Board."

(32) In clause 1 of Section 106 the words "or any portion of a district" shall be inserted after "district," and in clause 2 the words "Local Board" shall be substituted for "District Board," and the words "said area" for the word "district."

(33) In section 107 the word "area" shall be substituted for "district."

(34) In clauses 1 and 2 of section 112 the words "Local Board" shall be substituted for "District Board," and in clause 1 the words "area proclaimed under section 106 (2)" shall be substituted for the word "district" in line 5.

(35) In section 113 the words "Local Board" shall be substituted for "District Board."

(36) The following sections shall be inserted after section 117:—

Public Markets.

117-A (1) The Taluk Board may, by a resolution passed at a meeting and with the sanction of the Governor in Council, determine to provide places within the taluk for the purpose of being used as public markets, and the Taluk Board may charge such rents, tolls, and fees as they may deem fit for the use of, or right to expose goods for sale in, such markets, and for the use of shops, stalls, sheds, pens and standings therein.

(2) The Taluk Board may, at a meeting with the sanction of the Governor in Council, determine to close any such market or any part thereof.

(3) The Taluk Board may, at a meeting with the sanction of the Governor in Council, frame bye-laws for the regulation and control of such market. The Taluk Board may expel from any such market any person who, or whose servants, may be convicted of disobeying any such bye-law, and may prevent such person by himself or his servants from further carrying on any trade or business in such market or occupying any stall, shop or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop or other place.

117-B. Whoever, without the permission of the Taluk Board, sells or exposes for sale any article within a public market in which the Taluk Board shall have determined to levy fees, shall be liable to a fine not exceeding Rs. 20 for each offence.

Private Markets.

117-C. The Taluk Board may determine, with the approval of the Governor in Council, the places in which the control over private markets shall be vested in them.

117-D. (1) Every person intending to open a new private market for the sale, or exposure for sale, of animals or articles of human food in places determined by the Taluk Board under section 117-C, shall obtain from the Taluk Board a license to do so.

(2) The Taluk Board may at a meeting grant or refuse such license.

(3) If they grant such license they shall cause a notice of such license to be affixed in English and in the vernacular language of the district in some conspicuous place at or near the entrance to such licensed market, and also to be published in the District Gazette at the cost of the person to whom the license shall have been granted.

117-E. Whoever knowing that such license has not been granted, sells or exposes for sale in such market any animal or article, shall be liable to a fine not exceeding Rs. 20, and to a further fine not exceeding Rs. 10 for every day after conviction during which he sells or exposes for sale therein any animal or article.

117-F. (1) The owner of every such market for the sale or exposure for sale of animals or articles of food shall, in the first month of each official year, obtain from the Taluk Board a license to keep open such market on payment of a fee not exceeding Rs. 10.

(2) The Taluk Board at a meeting may, under such conditions as they shall think fit, grant or refuse such license; and they shall refuse it if the market is, by position, construction or arrangement, unfit, in their opinion, for the purpose of a market and calculated to be a nuisance to the neighbourhood. The Taluk Board at a meeting may refuse, suspend or withhold the license until any or all of such works as may be ordered by them, or any or all of the terms of the license, are carried out; and the Taluk Board shall cause a notice of such refusal, suspension, or withholding to be affixed in English and in a vernacular language of the district in some conspicuous place at or near the entrance to such market, and also to be published in the District Gazette.

117-G. If the Taluk Board by an order in writing refuse to grant, suspend or withhold such license in the case of any market, and such market is kept open during the time that the said order remains uncancelled, the owner of such market and every person who having notice of such order, sells or exposes for sale any animal or article therein, shall be deemed to have opened a market without the license of the Taluk Board and to have sold or offered for sale animals or other articles therein.

except in cl. 117F

117-H. Every owner, farmer, or occupier of any market for the sale of any animal or vegetable food or drink in the places determined by the Taluk Board under section 117-C shall—

(i) construct such drains and cesspits therein as the Taluk Board direct;

(ii) cause such market to be roofed and paved with such materials and in such manner, and provided with such latrines and urinals of such description and in such position and number as the Taluk Board direct;

(iii) provide for such supply of water to such market as the Taluk Board direct; and

(iv) make such alterations in the stalls, passages, shops, doors or other parts of the said market or place as the Taluk Board direct.

117-I. (1) If such owner, farmer, or occupier after notice given to him by the Taluk Board, directing him to carry out within a period to be specified in the notice any of the measures provided in the

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last preceding section, fails to comply with such notice, the Taluk Board may suspend, withhold or refuse the license until the notice shall have been complied with; and any person opening or keeping open any such market after such withholding, suspension or refusal, shall be liable to a fine not exceeding Rs. 20 for every day during which such market or place is so opened or kept open.

(2) Any owner, farmer, occupier, agent, or manager in charge of any such market or shop, stall, shed, or other place therein, who keeps the same so that it is a nuisance, or who does not cause anything that is a nuisance to be at once removed to a place to be notified by the Taluk Board, shall be liable to a fine not exceeding Rs. 20 for each offence.

117-J. The Taluk Board, or any officer duly authorized by them in that behalf, may close any market, the license for which has been refused, withheld or suspended.

117-K. (1) The Taluk Board may, from time to time, by notification, by beat of drum and by publication in the District Gazette, prohibit the sale, or exposure for sale, of any articles in or upon any specified public street or part of such street, and may in like manner cancel, suspend or modify such prohibition.

(2) Whoever after such notification sells or exposes for sale any articles in any such street against the terms of such notification, shall be liable to a fine not exceeding Rs. 10.

Public Slaughter-houses.

117-L. The Taluk Board may provide a sufficient number of places for the purpose of being used as public slaughter-houses, and may levy a fee on each animal slaughtered therein at rates not exceeding Re. 1 for every head of cattle, and Annas 2 for every sheep, goat or pig.

117-M. The Taluk Board may, with the previous sanction of the Governor in Council, declare that no person shall slaughter or permit to be slaughtered or cut up or skin, or permit to be cut up or skinned any cattle, sheep, goat or pig at any place in any town or village other than at a public slaughter-house provided by the Taluk Board except with the written permission of the President, and any person acting in contravention to such

declaration shall be liable to a fine not exceeding Rs. 20 for each animal or skin.

117-N. The provisions of sections 117-L and 117-M shall not apply to places used by Government for the purposes mentioned in the said sections.

Cart-stands.

117-O. The Taluk Board may, from time to time, provide places for the purpose of being used as cart-stands or public halting places, and may levy fees for the use thereof.

(37) In section 119 the words "and of not more than twelve" shall be inserted after the word "five."

(38) In clause 1 of section 120 the words "or portion of such village" shall be inserted after the word "village."

(39) In section 122 the following proviso shall be added at the end :—

"Provided that the Governor in Council may, by notification from time to time, cancel or modify such declaration. But such notification shall not come into force until one month after the same shall have been published in the *Fort St. George Gazette* and in the local Gazette of the district."

(40) In section 125 the following shall be inserted as clause 2 :—

"Any person holding a salaried office under Government who is a member of the Panchayat shall, on being transferred from the local area over which such Panchayat has authority, or on quitting the same for a period extending beyond three months, be deemed to have vacated his office of member of such Panchayat."

(41) In clause 2 of section 132 the words "from time to time and in like manner" shall be omitted, and the words "for a period not exceeding three months at one time" shall be inserted after the word "exercise."

(42) In section 139 the words "district or" shall be omitted.

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(43) In clause 1 of section 140 the words "in any union" shall be inserted after "house-tax," the word "any" shall be substituted for "the" before "fees," the word "such" shall be substituted for "any" in line 2, the words "ii and" in line 3 shall be omitted, and the words "and (V)" shall be inserted before "shall" in line 3.

(44) In section 141 the words "as also any other matters which the Taluk Board may specially depute to them" shall be added after "administration," the clause "(*a*) Lighting streets" shall be inserted under the head "I—In all Unions", and the present clauses (*a*) and (*b*) shall be read as (*b*) and (*c*).

(45) Section 142 shall be omitted.

(46) In section 146 the words "unless the Governor in Council shall otherwise for any special reason direct" shall be inserted between "operation" and "until."

(47) In clause 2 of section 152 the words "or of any particular Local Board or Boards and Panchayat or Panchayats" shall be inserted after the word "Panchayats," and the word "concerned" shall be added at the end.

(48) In lines 1, 5, 6 and 7, clause 1 of section 155, the word "toll" shall be inserted after the word "tax."

(49) The following section shall be inserted after section 162 :—

"162-A (1) If under this Act the license or written permission of the Local Board or their President is necessary for the doing of any act in respect of any property, moveable or immoveable, public or private, and if such act is done—

"(i) without such license or permission, or

"(ii) when such license or permission shall have been granted, in a manner inconsistent with, or contrary to, the terms of such license or permission, and if no penalty has been specially provided in this Act for any act so done, the person doing such act shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 50 for every such offence, and to a further fine not exceeding Rs. 10 for every day during which the said offence is continued after such conviction.

"(2) And the Local Board may by notice require any such person to alter, remove, or, as far as practicable, restore to its original state, the whole or part of such property within a time to be specified in such notice."

(50) In Schedule A the words "maximum rates of the" shall be inserted before the heading "Tax on houses."

(51) In Schedule B the words "on every horse not under thirteen hands, not laden or ridden" shall be substituted for "on every horse not laden or ridden."

(52) In Schedule C the word "fifteen" shall be substituted for "seven."

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33.

STATEMENT OF OBJECTS AND REASONS.

The Madras Local Boards Act V of 1884 has now been in operation for over four years and certain minor defects have from time to time been noticed in its provisions. It is proposed to amend these, without making any radical alteration in the Act or departing from its main principles and provisions, and hence the accompanying draft Bill. The reasons for the various changes proposed are briefly noted below :—

Section 1 *of the Bill.*—The present City of Madras Municipal Act is Act I of 1884, which has repealed Act V of 1878.

Section 2.—The definition of a "Union" is altered so as to allow of portions of revenue villages being included in or constituted unions.

Section 3.—The definition in the existing Act is tautological and has given rise to difficulties in regard to what were, and what were not, "public streets" at the time the Act came into force.

Sections 4 *and* 9 carry out the suggestions made by the Government of India in paragraphs 2 and 3 of the letter recorded in G.O., dated 4th August 1884, No. 178, Legislative.

Sections 5 *and* 38.—The object of the amendment is to alter the section so as to suit the revised definition of a union and in the case of section 5 to carry out also the spirit of the suggestion of the Government of India in paragraph 2 of the letter recorded in G.O., dated 4th August 1884, No. 178, Legislative.

Sections 6, 7 *and* 37.—It is thought desirable to provide a maximum strength for Local Boards and Panchayats so as to guard against the possibility of these bodies becoming unnecessarily large and consequently unwieldy.

Section 8.—This is to meet cases in which it is thought desirable to unite into one Local Fund taluk two or more Revenue taluks belonging to separate Revenue divisions. As the Act at present stands there would be two *ex-officio* Presidents in such cases, unless the privilege of electing a President were conferred on the Board, which might not be advisable.

Section 10.—This is to meet the case of officers who take leave for long periods, retaining a lien on a local appointment. As the Act at present stands they would, under such circumstances, also retain their seats on the Local Board.

Section 11.—It is considered desirable that the exercise of the powers conferred on the Governor in Council by section 24, Act V of 1884, should be publicly notified.

Section 12.—This makes clear the obvious intention of the existing Act.

Section 13.—The object of the amendment is to show that it is the duty of the Divisional officer not merely to forward the resolutions of the Local Boards to the District Gazette, but also to peruse them carefully and bring to notice any proceedings which he may consider irregular.

Sections 14 *and* 41.—The words proposed to be omitted are superfluous. It is considered desirable to prevent the transmission of power by a President or Chairman to a Vice-President or Member for an indefinite period.

Section 15.—The amendment will permit a Government servant to make payments direct from his salary.

Section 16.—The advantage of the proposed amendment is evident. It may, for example, be found desirable that the servants of Local Boards should do work for Municipalities or Railways.

Section 17.—This provides for cases in which the immediate withdrawal of a particular individual from Local Fund service may be desirable for departmental reasons.

Section 18.—It is desirable to place beyond doubt the financial control which the Government are entitled to exercise over Local Boards. See also G.O., 27th September 1887, No. 972 M.

Section 19.—This merely gives the Government the power it possesses in regard to Municipal Councils under Act IV of 1884, and which it is thought desirable it should, in case of need, be able to exercise with reference to Local Boards also.

Section 20.—The object of the amendment is to assimilate section 51 of Act V of 1884 with the corresponding section of Act IV of 1884.

Section 21.—This is to provide for the substitution of a bridge toll on foot passengers in places where there were ferry tolls formerly. At present the construction of bridges at considerable expense is often a source of loss as tolls can only be levied on vehicles and animals.

Section 22.—The object of the amendment is to authorize the levy and recovery under section 93, Act V of 1884, of fees for the use of all Local Fund markets, slaughter-houses and cart stands, at all times, and not on the occasion of fairs and festivals alone.

"(2) And the Local Board may by notice require any such person to alter, remove, or, as far as practicable, restore to its original state, the whole or part of such property within a time to be specified in such notice."

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Section 22.—The object of the amendment is to authorize the levy and recovery under section 93, Act V of 1884, of fees for the use of all Local Fund markets, slaughter-houses and cart stands, at all times, and not on the occasion of fairs and festivals alone.

Section 23.—It is considered desirable that the Governor in Council should have power to exempt, not only persons or classes of persons from taxes and fees, but also animals or vehicles. The Act as it at present stands authorizes only the exemption of the former, and it is not clear whether this applies to tolls which are distinguished from taxes in section 57.

Section 24.—This is inserted with a view to the same procedure being observed in the collection of house-tax in Unions, as ~~is done~~ in Municipalities under Act IV of 1884.

Section 25.—This amendment is necessary to suit the alteration proposed in the foregoing section.

Section 26.—The object of the amendment is to give Taluk Boards the same power for granting exemptions from house-tax which Municipal Councils possess under section 51 of Act IV of 1884. At present such exemptions can be granted only by the issue of a notification by the Governor in Council under section 63.

Section 27 follows section 91 (3) of Act IV of 1884, with the insertion of a clause exempting servants and ~~pages~~ of Local Boards.

Section 28 follows the alteration referred to in section 22 above.

Section 29.—The purpose of this amendment is to provide for special and abnormal charges which are not covered by section 95, Act V of 1884, as it now stands.

Section 30.—It is thought desirable to give Taluk Boards, like Municipalities, power to set aside public tanks, &c., for drinking and bathing purposes. Section 99, Act V of 1884, gives them control only over private tanks, &c. For this purpose sections corresponding to sections 154 and 155, Act IV of 1884, have been added. Similarly sections corresponding to sections 231 and 232 of Act IV in regard to the prevention of infectious diseases, and section 230 prescribing the procedure to deal with stray dogs and pigs, have also been inserted.

Sections 31, 32, 33, 34 *and* 35.—The object of these amendments is to permit of the control over vaccination being vested in Taluk Boards, and of compulsory vaccination being introduced in selected portions of a district, *e.g.*, the more advanced Unions. It is essential that vaccine operations should be more ~~clearly~~ watched by Taluk Boards and Panchayats, but this cannot be done unless the control over it is vested in them. As the Act at present stands, vaccination must be made compulsory throughout the whole of a district at once.

Section 36.—It is thought desirable that Taluk Boards, like Municipalities, should have power to open and control markets, slaughter-houses and cart-stands. In fact, these powers are now generally exercised, though without any legal sanction.

Section 39 follows section 19, Act V, and the amendment proposed in section 9 above.

Section 40.—It is ~~thought~~ desirable to provide for official members of a Panchayat ceasing to hold office on transfer from the local area over which the Panchayat has authority. Official members of Municipal Councils and Local Boards cease to hold office on transfer under section 18, Act IV of 1884, and section 23, Act V, respectively. At present when officials ~~like~~ Hospital Assistants, who are common members of Panchayats, are transferred, they must submit a formal resignation before their places can be filled up.

Section 42.—Section 128, Act V of 1884, provides that every Panchayat shall be the agent and under the control of the Taluk Board, and section 167 provides for the District Board assuming the Taluk Board's place where the latter does not exist. The words omitted are therefore unnecessary.

Section 43 follows the amendment of section 57, Act V of 1884, proposed in section 22 above, and supplies an obvious omission which prevents Panchayats from levying fees in markets, &c.

Sections 44 *and* 45.—The object of these amendments is to enable Panchayats to take up the management of hospitals, dispensaries, schools, &c., which they are not at present authorized to do. It is also desirable that lighting, which is generally very popular, should be made a legitimate charge on Union Funds.

Section 46.—The qualification proposed is to provide for emergent cases where a delay of three months might be prejudicial.

Section 47 is merely a verbal amendment.

Section 48.—The object of the amendment is to remove any doubt which may now exist as to whether the word "tax" used in section 155, Act V, includes tolls.

Section 49.—It is considered desirable that a provision should be inserted in the Local Boards Act corresponding to section 263, Act IV of 1884, prescribing penalties for doing acts without license.

Section 50 is a verbal amendment.

Section 51.—It appears to have been the intention of the framers of the Act that horses under thirteen hands should not be taxed when not laden or driven. Hence the amendment.

Section 52.—This alteration is to bring the schedule into accordance with section 81 (2) of the Act.

Bill to amend Madras Act V of 1884.

H.

19-5-89

| m 21-5
| R.6.6

To
The Director of Pub. Instruction
" Surgeon Genl. S
" Sanitary Commr. } ×

× with copy of G.O.s dy 1-7-89 no 811 M
& 1485 L

Desp. 5/12

37

O.M. 1003/5-12-89

The D.P.I., the S. Genl. Genl.,
& the Sany. Commr. are
requested to submit any
remarks they may have to
offer with refce. to the draft
bills circd. with G.O.s of 1st
July 1889 Nos. 811 M & 1485 L

[illegible]
28/11

Note Dr. [illegible] told me a few
days ago that he wd like to offer
some remarks in regard to these
bills, & Dr. [illegible] & Mr. [illegible] may
wish to do the same

Bill [illegible]
Act V of

H.M.

19-5-89

37

O.M. $\frac{1003}{5-12-89}$

The D.P.I., the S. Genl. & the Sany. Commr. are requested to submit any remarks they may have to offer with refce. to the draft bills recd. with G.Os. of 1st July 1889 Nos. 811 M & 1485 L

[illegible]
28/11

Note Dr. Laing told me a few days ago that he wd. like to offer some remarks in regard to these bills, & Dr. Bidie & Mr. Grigg may wish to do the same

To
The Director of Pub. Instruction }
" Surgeon Genl. } x
" Sanitary Commr. }

x with copy of G.Os. d/ 1-7-89 No 811 M & 1485 L

Desp. 5/12

to amend Madras Acts III and V of 1884

41

OFFICE OF THE DIRECTOR OF
PUBLIC INSTRUCTION,
Madras, 1st August 1890.

Local & Municipal Dept
CURRENT No. 2919 L

No. 7988

From
D. Duncan, Esq., M.A., D.Sc.,
~~H. B. GRIGG, Esq., M.A., C.I.E.,~~
Acting DIRECTOR OF PUBLIC INSTRUCTION,
Madras,

To
The Honble the Chief Secretary
to Government
Fort St. George.

SIR,

With reference to O.M. No. 54, of 30th ultimo, calling for an early reply to O.M., No. 1003, of 5th December 1889, I have the honour to state that Mr. Grigg has left it on record that the papers must lie over till his return from Travancore. A reply will, therefore, be sent by him on his return.

I have the honour to be,
Sir,
Your most obedient Servant

D. Duncan

Acting Director of
Public Instruction.

Local & Municipal Department

Local & Municipal Dep[illegible] Current No. 2919 L of

1880.

Educational Department.

From

THE DIRECTOR OF PUBLIC INSTRUCTION,

Madras,

To The Hon'ble

THE CHIEF SECRETARY TO GOVERNMENT,

Fort St. George.

No.

Dated 1st August 1890
Despatched 1st August 1890
Received 6 AUG. 90

No. C/1988 — Chief Sec't Government O. 4 AUG 90

ENCLOSURES. nil.

Subject.

Stating that a reply to the reference anent the Draft Local Fund & Municipal Bills will be submitted on the return of Mr. Grigg from Travancore.

[illegible] Mr. Grigg in Travancore [illegible] the Bills & [illegible] statement of objects & reasons [illegible] any member [illegible] once. [illegible] with plenty of leisure in Travancore [illegible] do quickly — [illegible]

Order.

[illegible] 18/8/90

As the draft Bill has been a considerable time under consideration, and the early disposal of it is necessary, the D.P.I. should submit any remarks he may desire to offer at once.

Alf. 12/8. & 13 [illegible]

The Ref. to Mr. Grigg was on the 5 December. Legn. can't hardly be stopped because he hasn't found time in 7 1/2 m^s to reply. Most of the Dt. replies are in. All

I submit that there is no [illegible] ground for further delay. [illegible] [illegible]

13/8

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[31]

NOTE FOR THE ~~CHIEF SECRETARY.~~

H.E. the Governor's Private Secretary.

H.E. has initialled only the order circulating proposed amendments to Madras Act V of 1884. Is the order circulating amendments to Act IV of 1884 also approved?

[illegible] 25/6

[illegible] seen & approved.

C[illegible] 26/6.

[illegible] 26/6

45

NOTE FOR THE CHIEF SECRETARY.

Mr Stokes
& Hon Members

A draft G.O. on the octroi question is herewith submitted in type

The information required by the Hon Mr Stokes as to the rules in force in other Provinces has already been called for

Draft Bills for the amendment of Acts IV & V of 1884 (with statements of objects & Reasons), with refce to the proposals made in the note for orders submd originally & the remarks of Hon Messrs Hutchins and Stokes thereon, are also submd.

The issue of the draft bill for the amendment of the Municipal Act was delayed till the question of octroi & Toll Tax had been settled, with refce to the concluding portion of Hon Mr Hutchins' note of the 7th Aug; (the correspondence above referred to) the amendments to the Local Fund Act were in many

cases exactly similar, it was thought that the two Acts shd be dealt with pari passu.

All the orders reqd to in the two statements of objects and Reasons have already been commd to Municipalities & Dist Bds with the exception of the legislative orders (G.O. 13 Sep 84 / 205 in the Mun file & G.O. 4 Aug 84 / 178 in the Local Fund file) containing the remarks of the Govt of India on the two Acts. These were, by direction of H.E. the late Governor, treated as confidential. How shd they be now communicated? I think not. H.S.

Shd the papers regarding the amendment of Acts IV & V of 1884 go to the Hon Mr Gordon & H.E. the Governor?

[initials] 27 May

[initials] 22/5

Send to Hon. Mr. [illegible] H.E. will care to see them

49

NOTE FOR THE ~~CHIEF SECRETARY~~.
Hon Mr Stokes

—

Amendment of Act V of 1884

Those parts of the draft Bill which are new, i.e. which were not sancd by Hon Members last year, have, as directed by Hon., been marked with red pencil. Their raison d'être will be found explained in the Statement of Objects & Reasons & in some cases also by marginal pencil notes.

The rest of the amendments are taken from those suggestions in the note for orders in the Mun. file (which deals with Acts IV & V together) which were approved by Hon Members. The gist of the important amendments will be found stated in the note, & all of them are entered in the copy of the Act put up which accompanied the note for orders.

Those amendments which follow similar alterations in Act IV of 1884 are marked with a plain pencil line.

[initials] 21/5

25-5-09
22-5-10
12-5-19
18-6-21

31-2-15

PRESS.

LOCAL AND MUNICIPAL DEPARTMENT.

G.O., DATED 1-7-89

No. 1352.

1485 2

First copy sent to Press. 2/7 1-7-89

Returned for signature.

Despatched in print.

[Despatch Abstract.]

Madras Act V of 1884

Circulating to all Presidents of District Boards the draft bill to amend _____ with Statement of objects and reasons for remarks and Suggestions of any further amendments which may appear to them necessary and ordering that such Remarks and Suggestions be Submitted to Government not later than the 30th September