

MISCELLANEOUS.

G.O., No. 2187 M.

DATED 17-12-98

INDEXED.

[Despatch Abstract.]

Bye Laws.

Approving & confirming with
Remarks the _____ adopted by the
Karnool Municipal Council.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Local & Munl. (1898) Department.

CURRENT No. 3645

Misc

From

The Chairman

Order

No. 2187 Misc 8/17/12/98

Munl. Council.
Kumool

No. 177

The byclaws adopted by the Municipal Council are approved and confirmed under Section 255(3) of the Madras District Municipalities Act, Subject Dated 21st Nov. 1898

the following remarks:—

Received

Registered

Enclosures 1

Spare copies.

(1) In byclaw No. 7. the word "domestic" misprint for "domestic".

(2) In byclaw No. 12. for "and to a fine not exceeding Rs 10 for every day or part of a day during which the breach is continued after conviction". Substitute "and to a fine not exceeding Rs 10 for every or part of a day, after the date of first conviction, on which the person is subsequently convicted of persisting in committing the breach".

Vice Mayor

SUBJECT

Submitting the notification of the 16th April 1898 as published in the District Gazette under G.O. No. 2711M dated 6th December 1897 and stating that arrangements are being made for the publication of the byclaws in the District Gazette.

The byclaws, as thus amended, will

Please see the remarks of the Chairman in para. 2(2) of the report No. 14-15 dated 15/11/98

will now be republished in the Kurnool District Gazette in English and Telugu and shall come into force on the expiry of three months from the date of such republication.

2. The Collector's interpretation of the law on the subject is correct, but with reference to the last part of para. 6 of his endorsement, it is observed that what is wanted is a ^{printed} copy of the notification embodying the proposed by-laws and not a manuscript copy of them as stated by the Collector.

V. A. Rajappa

16/12/98

BACK PAPERS.

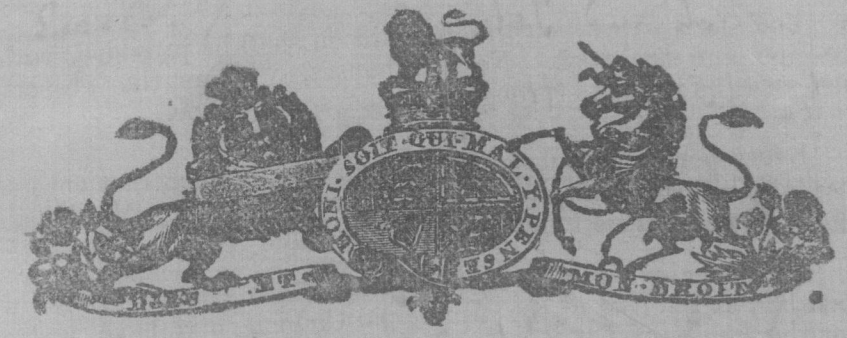
G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Note: Because the manuscript may not be a true copy of the by-laws as notified.

To The Commissioner, Kurnool
 This the Collector
 19/12/98



THE
 Supplement to the Kurnool District Gazette.
 KURNOOL MUNICIPAL SHEET.

Published under the authority of the Collector and Magistrate.

SATURDAY, APRIL 16, 1898.

NOTIFICATION.

(G. O. No. 2711 M. Mis: dated 6th December 1897).

The following bye-laws, framed by the Kurnool Municipal Council under section 255 of the District Municipalities Act IV of 1884, as amended by Act III of 1897 in regard to the house-service and the supply of water for domestic and non-domestic purposes in connection with the Kurnool water-works, are published under section 256 (1). Any objection or suggestion that may be made in respect of these bye-laws by any persons interested therein will be considered on or after the 15th June 1898:—

Bye-Laws

Bye-Laws framed under section 255 of Act IV of 1884 as amended by Act III of 1897.

WATER-WORKS.

I.—House Service.

Applications under section 147 (1) and (3) for the supply of water shall be in writing in the Form A hereunto annexed and shall be signed by the applicant and by the owner of the building if the applicant be merely the occupier thereof.

2. Every application shall be accompanied by the payment to the Municipal Council of such a fee not exceeding Rs. 3 for the preparation of an estimate of the cost of laying on the water as the Council may fix. Upon such payment the estimate shall be prepared under the orders of the Council and shall be delivered to the applicant.

3. Upon payment to the Council of the amount mentioned in the estimate, the work estimated for shall be carried out.

4. Each house to which water is laid on shall be provided with a separate service-pipe and stop-cock. No two houses, whether the property of one owner or not, shall be supplied through the same service pipe.

5. Every person who desires to put an end to a contract entered into by him under section 147 (3) shall give notice in writing to the Municipal Council that the supply of water is no longer required by him.

6. An owner or occupier of a dwelling in any street through which no main has been laid at the cost of the Municipal Council may have a street main laid down for the supply of water to such dwelling upon such terms as may be agreed upon between him and the Council, but such main when laid down shall belong to the Municipality.

Every such street main shall be of such diameter as the Council may direct, and of such length as may be arranged between the Council and the applicant.

II.—WATER RATES.

7. All water taken in excess of the quantity arranged under section 147 (1) to be supplied for domestic purposes, and all water supplied for other than domestic purposes under section 147 (3), shall be paid for at such rates as may from time to time be fixed by the Municipal Council.

III.—METERS.

8. The Municipal Council may fix a meter to any service-pipe whenever, and for such a length of time as, it may consider such fixture necessary. The cost of fixing and removing such meter shall be paid by the occupier of the dwelling to which the service-pipe is attached; or, in the case of a service-pipe laid down for the supply of water for other than domestic purposes, by the person on whose application such pipe was laid.

IV.—PUBLIC FOUNTAINS AND STAND-PIPES.

9. No person shall bathe or shall wash animals or clothes at any public fountains or stand-pipes, or shall draw water therefrom except for domestic purposes, without the permission of the Municipal Council first obtained.

V.—PUBLIC TANKS.

10. No tank filled free of charge by the Municipal water-works shall be used for any other purposes than bathing, swimming and the washing of such clothes as the person washing them may be wearing at the time.

11. Water from public tanks may be carried away in chatties, but shall not be taken or bailed from such tanks for garden, irrigation, mechanical or ornamental purposes.

VI.—PENALTIES.

12. Whoever commits any breach of these bye-laws shall be liable on conviction to a fine not exceeding Rs. 20, and to a fine not exceeding Rs. 10 for every day or part of a day during which the breach is continued after such conviction.

No. 177

Encls. 1

From

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MUNICIPAL COUNCILLORS' OFFICE,

Kurnool, 21st November 1898.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 36457
Kurnool.

To

The Secretary to Government
Local and Municipal Department
Fort Saint-George

By

(Through the Collector of Kurnool)

With reference to Government Order No 1889 M. No. dated 8th November 1898, I have the honour to submit that what was published in the District Gazette was the notification of the 16th April 1898 (herewith submitted) under Government Order No. 2711 M. dated 6th December 1897, to the effect that the bye-laws framed by the Municipal Council and embodied in the said notification would be considered on or after the 15th June 1898 and that there was no other publication of the bye-laws in the District Gazette. No objections or suggestions having

being received as invited in the notification, the Council on the 25th of June 1898 finally adopted the bye-laws embodied in the notification without making any alterations therein. These bye-laws were not subsequently published in the District Gazette under Section 256(2) as I have, all along, been under the impression that they should be so published after they were confirmed by Government and not before, as Section 255(3) lays down that no bye-law shall have effect until the same shall have been approved and confirmed by the Governor-in-Council.

2. I may be permitted to add that, in consequence of the misconception of the procedure regarding the publication of the bye-laws, I submitted a copy of the notification containing the draft bye-laws as

published in the Gazette of the 16th April 1898, when I was directed to submit a copy of the bye-laws as published in the District-Gazette.

3. In conclusion I have the honour to submit that I have now arranged for the publication of the bye-laws in the District-Gazette.

I have the honour to be

Sir

Your most obedient Servant

Vendrambaram

Chairman

to
SA

"N" C. $\frac{3165}{13.2.91}$ of 1898.
Genl.

Submitted.

2. What is now furnished by the Chairman is a notification published under section 256 (1) of Act IV of 1884 as amended by Act III of 1897. It contains the draft bye-laws relating to water works proposed to be adopted by the Municipal Council (i.e.) those printed on pages 4 and 5 of G. O. No. $\frac{180}{13.2.91}$ II. The Chairman states that no objection having been received against these bye-laws, the Council adopted them finally without any alteration.

3. It appears that instead of enclosing the notification containing the said bye-laws, two ~~other~~ ^{more} other notifications were by mistake sent with the

Chairman's first letter no. $\frac{811}{30.6.98}$;
but he assures me that what
was sent, or at any rate
~~more~~ ^{more} specially intended to be
sent with each of his second
and third letters (nos. 812 dated
2.8.98 and no. $\frac{57}{17.9.98}$) was a copy of
the paper now sent.

4. On reading G.O. No. $\frac{2711}{6.12.97}$ M. M. S.
and Sections 255 and 256 of the
District Municipalities Act (4 of
1884 as amended by Act 3 of 1897),
I presume that the procedure
to be adopted for bringing the
bye-laws of a Municipal Council
into force is -

Firstly - To publish by a notification
in the District Gazette the draft
bye-laws, under section 256(1) and
call for objections within a certain
time.

Secondly - To hear the objections,
any, on the date fixed and finally,

2. To adapt the bye-laws with any
alterations that may be found
necessary.

Thirdly - To submit such finally
adopted bye-laws to ^{M. M. S.} ~~the~~ Government for sanction
under section 255(3).

and Fourthly - To publish, on receipt
of ^{Government} ~~the~~ sanction, the
bye-laws in the ^{M. M. S.} ~~the~~ District
Gazette under section 256(2), so
that they may come into force
after three months from the
date of such publication.

5. In the present case, the first
two steps have been taken by
the Municipal Council, and
it appears that the three
letters of the Chairman adverted
to in the G.O. under reply
were addressed to Government.

in view of obtaining the
sanction required by
section 255(3).

But the chairman now puts
a different interpretation on
the above mentioned G.O. and
provisions of law and proposes
to publish the bye-laws adopted
by the Council in the district
a Gazette under section 256(2) before
obtaining the sanction of ^{the} ~~the~~
Government under section 255(3).

In my view of the law it
is correct, the chairman's
present letter evidences
a misconception of the law and the
orders issued by Government. What
he should have done and should now
do is, it seems to me from G.O. No. 2711 Dns,
to submit a copy (a manuscript will do) ^{6.12.97}
of the bye-laws themselves adopted by the
Council and not of the original
notification containing them and published
under section 256(1) of the Act.

Yours faithfully
M. D. A. M. A. L.