ocal & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 459 M

DATED 29-3-98

[Despatch Abstract.]

By laws

Disapproving, with remarks, the — proposed by the Municipal Council, Cocanada with one exception.

Cocanada 28th April 1898

Wenman
Chairman

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Circ 2179 dt 1/8/98							

Local & Munl. (1898) Department.

CURRENT No. 2628/98

E 767/98
Asst

From The Chairman, Municipal Council, Cocanada.

Order

CO.LECTOR
13 JUL 98
GODAVARI

shew Clerk
Clerk 13/7/98

No. 208

Dated 21st May 1898.

Received AUG 1898 7-98

Registered

Enclosures 2

Spare copies

SUBJECT.

Submitting ~~revised copy~~ ~~bye laws~~ for approval Ke
of Government a copy of
revised bye laws adopted
by the Municipal Council

13 JUL 98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extract from the Proceedings of the Municipal Council, Cocanada, passed at its Meeting held on Saturday, the 23 April 1898.

PRESENT:

* * * *

1 M R Ry K Perraju Garu Chairman
2 " Dewan Bahadur Sheikabdu Ramadasu etain Garu BA BL } Councillors
3 Acting Civil Surgeon Lzchlander do.
4 M R Ry G. Venkatarathnam Garu do.
5 Nakhoda Dada Sahib Garu do.
6 G. A. White Esquire do.
7 M R Ry A. Parmanabham Garu BA do.
8 " P. Chittaya Garu do.
9 " Rao Bahadur Bheukatarathnam Garu } do.
10 " P. Venkatachelapati Garu do.
11 " B Ramamurty Garu do.

5. Draft Bye-laws framed by the Sub-committee consisting of Reverend A. H. Laflamme, M R Ry G. Venkata-Rathnam Garu and M R Ry M. Bhomayajulu Garu, Councillors.

Bye-laws as amended are passed.

(Sd) K. Perraju,
Chairman.

(True Extract)
Municipal office
Cocanada 28 April 1898

Perraju
Chairman

Cocanada Municipality

Appendix.

Bye-laws under Act II of 1884 as amended by Act III of 1897

(Sections 39 to 43)

Old Bye-law No. 1

1) No Municipal servants shall either directly or indirectly, receive any present, loan or gratuity from any person, having a contract to do work for or supply materials to the Municipal Council.

Do No. 2

2) No Municipal servants shall engage in any trade or employment without the permission of the Municipal Council.

New-

3) ~~No~~ Municipal servants shall not contribute to the public press nor make public any documents, papers or information of which they may become possessed in their official capacity without the previous sanction of the Council.

This has been adapted from No 6 of the Rule for the Conduct of public Servants- Vide page 179 of the pamphlet.

4) When a portion of the salary of a Municipal servant is constantly being attached for debt, or has been continuously under attachment for more than two years, or is attached for a sum which, under ordinary circumstances, it will require more than two years to repay, or where a Municipal servant takes the benefit of the Insolvent Debtors Act, a full schedule of his debts will be furnished by such servant to the Chairman who will report the case for the orders of the Municipal Council or Government as the case may be, as to whether he should be retained in the service of the Municipal Council or not.

5) No Municipal servant shall canvass votes for any candidate at any Municipal election or take part other than by voting, if entitled to vote, in any such election.

New

Vide 40 of the Rules cited.

New

X

Old Bye-law No. 3.

Tax on buildings and lands.
(Sections 63 to 74)

6) The Notice of vacancy to be given under section 72, shall be left at the Municipal Office within 15 days of the vacancy commencing. No Notice of vacancy, given under this section, shall have retrospective effect for more than fifteen days.

New

7) If any one person is liable for all or any of the taxes on account of more buildings or lands than one, it shall be competent to the Chairman to charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties.

8) Every person primarily liable for the payment of taxes on any premises, who transfers his title to or over such premises without giving notice of such transfer

4) When a portion of the salary of a Municipal servant is constantly being attached for debt, or has been continuously under attachment for more than two years, or is attached for a sum which, under ordinary circumstances, it will require more than two years to repay, or where a Municipal servant takes the benefit of the Insolvent Debtors Act, a full schedule of his debts will be furnished by such servant to the Chairman, who will report the case for the orders of the Municipal Council or Government as the case may be, as to whether he should be retained in the service of the Municipal Council or not.

5) No Municipal servant shall canvass votes for any candidate at any Municipal election or take part otherwise than by voting, if entitled to vote, in any such election.

No 40 of the Rules cited.

New

New

X

Old Bye-law No 3.

Tax on buildings and lands.
(Sections 63 to 74)

6) The Notice of vacancy to be given under section 72, shall be left at the Municipal Office within 15 days of the vacancy commencing: No Notice of vacancy, given under this section, shall have retrospective effect for more than fifteen days.

New

7) If any one person is liable for all or any of the taxes on account of more buildings or lands than one, it shall be competent to the Chairman to charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties.

8) Every person primarily liable for the payment of taxes on any premises, who transfers his title to or over such premises without giving notice of such transfer

to the Chairman shall continue liable for the payment of all taxes from time to time payable in respect of the said premises and for the Sanitary Condition of such premises until the transfer shall have been recorded in the assessment books.

Days on Vehicles and Animals.
(Sections 77 to 90)

Old Bye law No 4.

9). All carriages kept for hire and carts shall be brought to the Municipal office to be numbered and registered on such days as the Chairman may direct; and the Chairman may require the production at the Municipal office for the purpose of measurement of any horse, which has been returned as under 13 or 11 hands in an application for a licence.

10). All carts or other wheeled vehicles without Springs; registered under Section 85 shall have the registration number affixed to some conspicuous part thereof.

Old Bye-law No 6

A Similar Suggestion was made once before rejected.

Victoria 3(2) The Towns Improvements Act

No bye law now

11) No carts or other vehicles without Springs registered under section 85, shall be exempt from the payment of tolls unless it shall bear the registration number prescribed by the Council for the then current half-year or unless the certificate of registration granted under section 86 shall be produced.

12) No person shall be permitted to drive a registered cart unless he is of the age of fourteen years or upwards. He shall always drive on the extreme left of the road in a line with other carts proceeding in the same direction, and shall not in any way make an attempt to pass the cart or other vehicle immediately in front of him. On Municipal bridges, he shall walk the cart. He shall light his lamp as soon it becomes dark and obey all reasonable orders of the Police on duty.

(a) The ordinary rule of

the road shall be observed by every driver of a carriage and he shall not only keep always to the left of the road but also shall not pass or attempt to pass round another carriage in front, unless there is every facility for his doing so without danger or inconvenience either to himself or to the other persons then using the road.

Tolls (Sections 91 to 96)

13) The toll contractor shall furnish to each toll collector a paiad authorizing him to levy tolls at the rate therein specified, and such each toll collector shall produce such paiad when called upon to do so by any member of the Municipal Council or any municipal servant duly authorized in that behalf or by the person from whom toll is demanded.

old Bye-law No. 9.

14) No vehicle or animal for which toll is leviable

Do 10.

shall be detained for a longer time than is absolutely necessary to collect such toll. The toll collector shall enter the date on the receipt granted under the provisions of section 94.

old Bye-law No. 11

15) The toll contractor or the toll collector appointed by him shall give immediate intimation to the Chairman of every seizure and detention under the provisions of Section 95(1), and shall also send him the property seized with an inventory signed by the owner or two witnesses present at the seizure.

Do 12

Appeals (Sections 97 to 101)

16) In cases coming under Section 54 of the Act in which no notice has been served under Section 56, the period of appeal for the purpose of Section 99,

shall run from the date of payment.

Collection of Taxes.
(Sections 102 to 112)

17) In every case the officer charged with the execution of the warrant of distress shall, in his inventory prepared under section 105, show the hour of the day at which the distress is made, the place where the property is found and where it is secured, and shall also have the inventory attested by at least one adult male resident in the vicinity of the place of distraint.

old Bye-law No 13.

18) If the attached property be livestock, the attaching officer shall take it to such place as the Chairman may from time to time appoint.

Do 14.

19) If the property be a negotiable instrument or a decree for money, or any other document, the attachment shall be by actual seizure.

Do 15

old Bye-law No 16.

20) No demand made by the Chairman upon the occupier of a building or a piece of land under section 110, shall be a written one.

Water Supply (Sections 1436 156)

old Bye-law No 17

21) No owner or occupier of land on the bank of any public nullah or water-course shall at all times allow any Member of the Municipal Council, or any Municipal servant duly authorized, to pass over such land to such nullah or water course for any purpose of public conservancy upon receiving reasonable notice.

Do 18.

22) No person shall, without the written permission of the Municipal Council, set up any obstruction in any public nullah or water-course within the Municipality. When permission has been given, the Municipal Council may at any time withdraw such permission and order the removal of such obstruction.

23) No person shall divert the course of any public water-work, channel or stream within the Municipality without the written sanction of the Municipal Council.

Old Bye-law No. 19.

24) Without such sanction no person shall use the public drinking-water reservoirs for any purpose other than drawing water from them for drinking on the spot, or for carrying away or for domestic purposes.

Do 20

25) No person shall use the water in the Municipal Conduits for purposes of irrigation without the written permission of the Municipal Council.

Do 21

26) All wells, both public and private, the water of which is used for drinking purposes shall have a pavement round them to the extent of at least three feet.

Do 22

Old Bye-law No. 24.

27) If any house, wall or other erection or any part thereof fall upon any public highway or into any public drain, the owner shall remove the debris within the time specified in a notice issued by the Chairman, and in default of his doing so such debris shall be removed at his expense under the orders of the Chairman.

Do 25.

28) Within the Municipal limits no lighted torch shall be carried, no fire-works exploded or let off, no gun-powder or other explosives shall be ignited, no fire arms shall be discharged, and no bon-fire shall be let within 100 yards of any street without the written permission of the Chairman. Nor shall any fire-balloon be sent up anywhere within Municipal limits without the same permission previously obtained. This bye-law does not in any way apply to the lighting of fires

~~for domestic~~ purposes within
house limits.

29) No person shall fly a kite or engage in any game in any street in such a manner as to be a nuisance. — old bye-law No 26

30) All cart-bullocks passing through the public streets must be provided with nose-strings — Do 27

31) No person shall drive any vehicle without sufficient light at any time between one hour after sunset and one hour before sunrise except when there may be sufficient moon-light to render such light unnecessary. — Do 28

32) No person shall ride or lead a horse or other animal, or drive, drag, push or propel any vehicle on any foot-way. — Do 29

33. No fish or flesh shall be dried in any place other than the one sanctioned for the purpose or exposed in such a manner as to cause a nuisance. — Do 31

1/

Vide existing by-law No 31

34) (1) No person shall expose or cause to be exposed to public view the flesh of slaughtered animals, raw skins or skins during carriage from place to place.

35 (1) No person shall, except with the written permission of the Council, —

(a) place or deposit upon any Street, or upon any open channel, drain or well in any street, any stall, chair, bench, box, ladder, bale or other thing so as to form an obstruction thereto or encroachment thereon;

(b) project at a height of less than 20 feet from the surface of the street any board or shelf beyond the line of the plinth of any building over any street, or over any open channel, drain, well or tank in any street;

(c) attach to, or suspend from any wall or portion of a building abutting

a street, at a less height than aforesaid, anything whatever.

2) Nothing in clause (a) applies to building-materials.

36) The Chairman may, without notice, cause to be removed —

(a) any wall, fence, rail, post, step, booth or other structure or fixture which shall be erected or set up in or upon any street, or upon or over any open channel, drain, well or tank contrary to the provisions of bye-law 35 (1) after the same comes into force;

(b) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached or suspended in, upon, across or to any place in contravention or infraction of the provisions of bye-law 35 (1)

37) (1) No person shall, without the written permission of the Council, —

(a) open, break up, displace, take up or make any alteration in or cause any injury to the soil or pavement of any street, or any wall, fence, post, chain, or other materials or thing forming part of any street; or

(b) deposit any building-materials in any street;

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or clause (c) shall be terminable at the discretion of the Chairman,

on his giving not less than 24 hours' notice of the termination thereof to the person to whom such permission was granted.

38) Every person to whom any permission is granted under bye-law 37(1) shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary, to prevent accidents, shall cause such place to be well lighted during the night.

39) (1) Every person to whom permission is granted under bye-law 37 (1) to open or break up the soil or pavement of any street shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Chairman.

(2) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Chairman may restore such street or pavement, and the expenses incurred by the Chairman in so doing shall be paid by the said person.

Buildings
(Sections 177 to 187)

40. The external walls of buildings adjacent to streets shall be limewashed at such times as the Municipal Council may by notice or by proclamation by beat of tom-tom direct.

41. Every application made under section 180, shall be

accompanied by a statement
showing the materials of
which the walls and roof
of the proposed house are
to be constructed and the
number of doors and windows,
if any, which will open
on the street.

42) A person who shall
Construct a privy in connec-
tion with a building shall
not, without the written
permission of the Chairman
Construct such privy within
the distance of twenty feet
from any well, Spring,
tank or stream of water
used or likely to be used
by man for drinking
or domestic purposes;
or for manufacturing
drinks for the use of
men, or otherwise in
such a position as to
render any such water
liable to pollution.

43) Every person who shall
Construct a privy in
Connection with a building

Old Bye-law No. 34.

shall provide such privy
with a sufficient opening
or with sufficient openings
for ventilation to the
satisfaction of the Chairman,
and such opening or openings
shall be as near to the
top as practicable, and
shall communicate directly
with the external air.

44) No person shall con-
struct over a privy, whether
old or new, any room or
structure of any description
except another privy or
a bathing place or bathroom.

45) No person shall make
use of the pavement
or verandah of his house
as a stable or stall for
keeping any animal
Offensive and dangerous
trades.
(Sections 188-189)

46) Every person, who may
have obtained from the
Chairman a license for
the use of any premises
for any of the purposes

after any

mentioned in section 188(1) of the Act shall, at all times, afford every facility and assistance in his power to enable the Chairman or any person authorized by him in this behalf to inspect and thoroughly examine the said premises.

47) Every person to whom a licence is granted to use any premises for any of the purposes mentioned in Sub Section 188(1) shall keep affixed in a conspicuous part of the said premises a board upon which shall be legibly written in English, and also in Telugu, the following particulars, namely;—

(a) the licensee's name

(b) the purpose for which and the limitations and conditions subject to which the licence is granted;

(c) Any other details relating to the licence or the terms thereof, which

12

11

to be, from any cause, [illegible]

the Chairman from time to time thinks fit to require.

Timber or firewood depots.

48) A person who may have obtained from the Chairman a licence for the use of any premises for the purpose of storing for other than domestic use, or selling, timber or firewood, shall not cause or suffer any timber or firewood to be stacked or piled upon the said premises against the wall of any building.

He shall not cause or suffer any timber or firewood to be stacked on the said premises to a greater height than 30 feet, if in an open space, or to a greater height than 20 feet, if in a building or confined space.

He shall not cause or suffer any timber or

mentioned in section 188(1) of the Act shall, at all times ~~"~~

within the distance of 20 feet from a street or passage, unless and until he shall have taken, if so required by the Chairman, special precautions to prevent the falling of any such stack.

He shall not, except during the monsoon season and with the previous permission in writing of the Chairman, cause or suffer any covering consisting of palmyra leaves, straw, or other inflammable material to be erected, placed or kept over any portion of the said premises.

49) He shall at all times keep the premises clean and dry to the satisfaction of the Chairman.

50) In case he shall receive from the Chairman a written notice intimating the opinion of the Chairman that the purpose for which the said premises are being

of Bye-law No 35.

to be, from any cause, a source of danger or nuisance to persons residing in or resorting to the neighbourhood, he shall forthwith comply with any requisition contained in such notice for the total or partial discontinuance upon the said premises of the storing for other than domestic uses, or for selling of timber or firewood, or for the total or partial removal of the timber or firewood, or any part thereof, from the premises.

Slaughter houses (Sections 191 to 193)

51) All slaughter-houses shall be:—

(1) Thoroughly washed and swept at least twice daily at such times as the Municipal Council may by notice direct

(2) Lime-washed both within and without at least

once in every three months;

(3) Paved with flags or flat paving bricks or tiles or asphalte, and, except in the case of asphalte, paving, the joints shall be freshly pointed with mortar once a year at least.

(4) Surrounded by a wall not less than 6 feet high with proper copings.

(5) Provided with a drain at the lowest point of which and outside the slaughter-house shall be placed a receptacle large enough to hold all blood and water draining therefrom;

(6) Provided with a sufficient supply of clean water.

52) No animals shall be slaughtered except between such hours as the Municipal Council may determine.

53) No animals shall be slaughtered unless and until they have been inspected and their slaughter has been sanctioned by an officer empowered by the Chairman in that behalf.

Old Bye-law No. 38

✓

54) The offal of slaughtered animals shall be removed within 3 hours by the butcher or his servants. If not so removed, such offal and the contents of the receptacle mentioned in bye-law 51, (5) shall be removed by Municipal servants, and disposed of as the Municipal Council may from time to time direct.

Old bye-law No. 36

✓

Do — 37.

✓

Do — 39

✓

Do — 40

✓

55) Cattle shall be penned or tethered away from the slaughter-house in separate sheds or pens.

56) All slaughter houses shall at all times be open to inspection by the officer empowered in that behalf by the Chairman.

Markets (Sections 194 to 205)

Public and Private.

Old Bye-law No. 41.

✓

57) Every market shall be limewashed within and without once at least in every six months.

Old Bye-law No. 42

58) No person affected with any infectious or loathsome disease, such as Small-pox or leprosy, shall sell or offer for sale in any Market any article of food.

59) Stall-holders and all other persons carrying on business in the stall sections & platforms in all markets, shall keep their stalls and platforms clean and free from any nuisances and shall not sell or expose for sale any garbage or offal.

60) Weights and measures bearing the Government stamps alone shall be used in all markets.

61) No unprotected lights shall be used and no fires shall be lighted in any market

Public

62) The Municipal Council may fix grants in each public market for the sale or exposing for sale of articles of Specified Kinds,

Do 43

Do 44

Do 45.

Do 46.

14

Old Bye-law No. 47.

and shall notify the same at the market by beat of tom-tom, and by affixing a notice thereof in a conspicuous place therein.

63) In public markets:-

(1) No article shall be sold or exposed for sale in any place other than that Specified in the notice mentioned in bye-law 63.

(2) No article shall be exposed for sale beyond the limits of the verandah in front of each stall, and each stall-renter shall keep his goods within the area of the stall rented by him.

(3) The renter of any Stall shall be liable for any damage done thereto

(4) No nails, or pegs of any kind shall be driven into the walls or the floors of stalls of the market by renters or their servants.

(5) Tenants of stall and shops shall not sub-let

therein, or without the written permission of the Municipal Council.

(62) No holder of a stall shall make any alterations whatever thereon except with the written permission of the Municipal Council.

(7) The rents of the Stalls shall be paid in advance on the first day of each month except when the first day is Sunday, in which case it shall be paid on the following day.

64) No person shall bring a dog into a public market.

65) No one shall create a disturbance in a public market by shouting or beating of tom-toms, or by such other instruments, or by quarreling, or by using abusive language.

66) The Sanitary Inspector or any person authorized by the Council may expel from the premises of a market any person who is found drunk, or begging or loitering, or who misconducts himself, or is a lunatic, and, if such person is a tenant or his servant may (subject to the approval of the Chairman) prevent him from further carrying on any trade or business in such market or occupying any shop or stall therein.

A vendor guilty of assault may be expelled without payment of any Compensation from the market and prevented from further carrying on trade or any business or occupying any shop or stall therein.

67) No tenant of a market and no person resorting to it shall satisfy a Call of nature or commit any other nuisance within

the limits of such market or its approaches except in a urinal or latrine provided for that purpose.

(68) No person resorting to any market or being in charge of any vehicle, waggon, cart or truck or any beast of burden, shall cause or allow such vehicle or beast to stand in any avenue or passage in such market, or in any of the immediate approaches thereto for any longer time than shall be reasonably necessary for getting in or out of such vehicles or loading or reloading such waggon, cart or truck.

Latrines (Sections 208 to 209)

(69) No person shall defoecate in a public urinal.

(70) No person of one sex shall wilfully intrude into any public latrine set apart for the use of the opposite sex

(71) No person shall ease himself in any part

See 3(5) of the Towns Nuisance Act

Old Bye-law No. 48

Do 49

Do 50.

of a public urinal or latrine other than the place provided for the purpose.

Drains (Sections 210 to 215)

Old Bye-law No. 51

(72) No public drain shall be covered without the written permission of the Municipal Council.

General Sanitary Regulations (Sections 216 to 225)

Old Bye-law No. 52

(73) Every person, within whose premises any horse, cow, buffalo or other large animal may die, shall, within 12 hours of its death, remove the carcass at his own expense, without cutting or opening the same except so far as may be necessary for the purpose of slaying, to the place appointed by the Municipal Council, for the burial of dead animals, or shall report the death to the Inspector of the Division, who shall cause

the carcass to be removed and buried on payment by such person of such fee as the Council, may from time to time determine.

74) No land owner shall, without the Special sanction of the Council, be permitted to convert punjah into punjah lands within Municipal limits.

Old Bye-law No. 53

✓

75) No Cowdung cakes or bratties shall be placed to dry on any outer wall of any buildings or on trees bordering any street

Old Bye-law No. 54

✓

76) No rubbish or sweepings shall be thrown on Trove-Shore.

Miscellaneous (Sections 226 to 230)

77) The carcasses of all pigs or dogs killed under the provisions of Section 230, shall be removed by the person killing them to such place or places as the Municipal Council, may from time to time direct, and the carcasses of pigs

Old Bye-law No. 55.

✓

shall there be sold by auction unless claimed and removed with 3 hours.

Old Bye-law No. 56.

✓

78) No person in charge of any buffalo, pig or other animal shall allow the same to enter within any public latrine.

79) No person shall, without the consent of the owner or occupier, affix any posting-bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence or pale with chalk or paint or in any other way whatsoever.

Burial and Burning grounds (Sections 234 to 242).

Old Bye-law No. 57

✓

80) Every owner of a burial or burning ground shall

enclose the same by a wall or fence to the satisfaction of the Chairman.

Old Bye-law No. 58.

81) Every licensed grave digger and burning-ground attendant, shall be bound to give information within 24 hours to the Registrar of Births and Deaths of all burials or burnings which take place in or on such ground.

82) No person, while carrying any corpse, or part of a corpse, through the precincts falling within municipal limits, shall deposit it on or near any public highway except for the purpose of ordinary relief.

shall there be sold by auction unless claimed and removed within 3 hours.

Old Bye-law No. 56.

78) No person in charge of any buffalo, pig or other animal shall allow the same to enter within any public latrine.

79) No person shall, without the consent of the owner or occupier, affix any posting-bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence or pale with chalk or paint or in any other way whatsoever.

Penalties.

Old Bye-law (last one)

The infringement of any of the foregoing bye-laws will, in cases where no penalty has been laid down, render the offender liable on Conviction to a fine not exceeding Rs 50/-, and, in the case of continuing infringement to a further

Council at its meeting held on

23rd April 1898.

2. A copy of the council's resolution is herewith submitted.

I have the honour to be,

Sir,

Your most obedient servant

Bis € 769 / 98

Submitted to the Collector of Godavari

Camp Peddapuram 11-7-98

Dy Collector

Bis € 2360 / 98 Dt 29.7.98

Submitted to Government, Local and municipal Department.

Rajahmundry 29.7.98

Dy Collector

Bl/2928

The old Bye laws are put up for Changes being only proposed

24-7-98

Rev 2360 yrs
revd

[G.]

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 2628 M.

SUBJECT.

Bye-Laws. — Cocanada Munbp.

FOR ORDERS.

H.M

Vide notes against
Nos 37 & 79.
K Aug. 1. 99

K.

Vide also fo 1579 in 11-10-99 C.

Note for the Secretary

Please see the Advocate General's opinion on the draft bye-laws No. 79. on page 9 of the note and the replies to this queries on pages 405.

K.R
17/2/99

With his letter read above, the Chairman of the Municipal Council of Cocanada submits for the approval of Government a set of bye-laws framed by the Municipal Council under Section 255 of the Act. The bye-laws approved in G.O. No. 1263 M dated 10th August 1891, have been reproduced, while some others have been newly proposed. These latter will be dealt with below:—

* C. No. 4793 M.

Note for the Secretary

Written replies to the queries at page 9 of the Tabular Statement

First get Adv. Genl's opinion.
K 18/1/99

New 13ye-la ourable Members' Orders.

Bye-laws.

3. Municipal servants
tribute to the public press, nor
any documents, papers or in
they may be come possessed in
city without the previous sanc

4. When a portion of the
Municipal servant is consta
tached for debt or has been con
attachment for more than
attached for a sum which un
cumstances, it will require m
years to repay, or where a
takes the benefit of the Insole
a full Schedule of his debts
by such servant to the Chai
report the case for the orders
Council or Government as the
to whether he should be retain
of the Municipal Council or no

5. No Municipal serva
vass votes for any candida
cipal election or take part o
if entitled to vote, in any such

7. If any one person is li
any of the taxes on account
ings or lands than one, it sh
tent to the Chairman to ch
person in one or several bill
think fit, the several sums p
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New Bye-la... ...ourable Member's Orders.

Bye-laws.

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New Bye-laws.	Notes by the Off
(a) the licensee's name (b) the purpose for which and limitations and conditions subject to which the license is granted; (c) any other details relating to the license or the terms thereof which the Chairman from time to time thinks fit to require. 48. A person who may have obtained from the Chairman a license for the use of any premises for the purpose of storing for other than domestic use or selling timber or firewood shall not cause or suffer any timber or firewood to be stacked or piled upon the said premises against the wall of any building. He shall not cause or suffer any timber or firewood to be stacked on the said premises to a greater height than 30 feet, if on an open space or to a greater height than 20 feet if in a building or confined space. He shall not cause or suffer any timber or firewood to be stacked upon the said premises within the distance of 20 feet from a street or passage unless and until he shall have taken if so required by the Chairman special precautions to prevent the falling of any such stack. He shall not except during the monsoon Season and with the previous permission in writing of the Chairman cause or suffer any covering consisting of palmyra leaves straw or other inflammable material to be erected, placed, or kept over any portion of the said premises.	Bylaws 46-50 are als as under section 188(the Act, the Chairman cise sufficient control places.
49. He shall at all times keep the premises clean and dry to the satisfaction of the Chairman.	——— Do ———
50. In case he shall receive from the Chairman a written notice intimating the opinion of the Chairman that the purpose for which the said premises are being used or the manner in which the same are being used	——— Do ———

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New Bye-laws

Honourable Member's Orders.

67. No tenant of a market
resorting to it shall satisfy a c
commit any other nuisance with
such market or its approaches
or latrine provided for that purp

68. No person resorting to a
being in charge of any vehicle
or truck or any beast of burden
or allow such vehicle or beast
any avenue or passage in s
or in any of the immediate a
for any longer time than sha
necessary for getting in or out
or loading or unloading such
truck.

69. No person shall without
of the owner or occupier af
bill, placard or other paper or m
tisement against or upon an
wall, board, fence or gate with
paint or in any other way wha

82. No person while carrying
or part of a corpse through the prec
within Municipal limits shall depo
near any public highway except
of ordinary relief.

N.A.

N.A.

I suppose this is right
but ask the Adv. Genl

N.A.
7.1.99

Office please note
W.
1/8/99

Note for the Secy.

In reply to the reference made to him
the Advocate General States that
he is clearly of opinion that this
bylaw is ultra vires, as it is not
authorized by the special words
in Clause (iv) or by the general words
in Clauses (v) + (vi) of sec. 255 of
the Act.

V.A.
7/1/99

J.H.
W.
1/8/99

New Bye. Laws.	Notes by the Off
67. No tenant of a market and no person resorting to it shall satisfy a call of nature or commit any other nuisance within the limits of such market or its approaches except in a urinal or latrine provided for that purpose.	Section 205 A of the Act 3 (5), (8), (11) and (12) of the Sc Act provide adequately referred to in bye-laws 65 to 6 therefore superfluous.
68. No person resorting to any market or being in charge of any vehicle, waggon, cart or truck or any beast of burden shall cause or allow such vehicle or beast to stand in any avenue or passage in such market or in any of the immediate approaches thereto for any longer time than shall be reasonably necessary for getting in or out of such vehicle or loading or unloading such waggon, cart or truck.	——— do ———
79. No person shall without the consent of the owner or occupier affix any posting bill, placard or other paper or means of advertisement against or upon any building, wall, board, tree, paling or fencing thereon or pale with chalk or paint or in any other way whatsoever.	This bye-law is clearl vires. Private persons take care of their own
82. No person while carrying any corpse, or part of a corpse through the precincts falling within Municipal limits shall deposit it on or near any public highway except for the purpose of ordinary relief.	This is unintelligible

[L. & M.]
200—13-9-98.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No. dated 189 ,

Again G.O., No dated 189 ,

Current No. 2628-M of 1898, dated 21st May 1898, from the Chairman M.C. Cocanada

" " " 189 , " Bylaws "

" " " 189 , " Ex. No 459 mj 23.3.95

Memo. No 60
Reference 23-1-99.
~~ORDER.~~

The municipal Council of Cocanada proposes to frame under section 255 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897 the following bye-law:—

"No person shall without the consent of the owner or occupier affix any posting bill, placard or other paper or means of advertisement against or upon any building, wall, board, tree, fence or paling or advertise thereon with chalk or paint or in any other way whatsoever."

It is doubted by the Government however considered that this bye-law is ultra vires as it does not come under any of the clauses of section 255(1). The Advocate General is requested to give his opinion in the matter.
(From Orders)

Copy sent to:
Papers together
K.R
21/1/99

F.A
x Issued but returned
Copies sent to
the Advocate General
21/1/99

The Government Solicitor.
Orp. 23/1/99

V.R
21/1/99

21/1/99

Local & Munl. (189) Department.

CURRENT No. 4792

From The Govt. Solicitor Madras.

Order

No. 93

Dated 7-2-99

Received 8-2-99

Registered 9-2-99

Enclosures 2 & 6

Spare copies —

SUBJECT.

Forwarding with reference to the memorandum of Govt no 60 8/3-1-99 the Advocate General's opinion on the bye-law proposed by the Cocanada Municipal Council

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

57 162

Opinion

I am clearly of opinion that the bye-law proposed by the Municipal Council of Coconada is ultra vires. The purposes for which the Municipal Council are empowered to make by-laws are specified in Section 255 of the Madras District Municipalities Act. In my view, the proposed bye-law is not authorised by the special words in clause (IV) or by the general words in clauses (V) and (VI).

C. Arnold White

Advocate General

Madras)
)
7th February 1899.)

True Copy

Ernest Bascton

Government Solicitor

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

57 1620

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C. Arnold White

Advocate General

Madras)
)
7th February 1899.)

True Copy

Ernest Bandar

Government Solicitor

(1899) Department

58

From

Ernest Barclay
Government Solicitor
Madras

ASSISTT SECY TO GOVT R.S.
8 FEB 1899
LOCAL MUNL EDL & LEG DEPT

To.
The Secretary to Government
Local & Municipal Department
Madras

LOCAL & MUNICIPAL DEPT.
CURRENT No. 479 M

No 93

Dated 7th Febmary 1899
Recd

Forwarded with reference to the Memorandum of Government No 60, dated 23rd January 1899, Local & Municipal.

Ernest Barclay

Government Solicitor

[L. & M.]
250—19-12-08

LOCAL AND MUNICIPAL DEPARTMENT.

59

Papers to be read in proceedings:—

~~Again G.O., No.~~ dated 189 .
~~Again G.O., No.~~ dated 189 .
Current No. 2628 M of 1898, dated 21st May 1898, from the Chairman m.c. Cocanada.
" " 479M " 1899, " 7th February 99, " Govt. Solicitor. .
" " " 189 , " , "

ORDER. No 459 Mem dt 29/3/99

Except bylaw no. 64, which is unobjectionable, the other new bylaws proposed by the Municipal Council will be disallowed for the reasons given below:—

(1) nos. 3, 4 and 5. The Government considers it unnecessary to frame bylaws on the matters referred to, as the Chairman can issue executive orders and enforce strict obedience to them by punishing delinquents.

(2) no. 7. This bylaw is unnecessary as there is now nothing to prevent the Chairman from adopting the proposed procedure. ~~even now~~.

(3) no. 8. This bylaw is ultra vires, as section 64 of the District

60

municipalities Act, as amended, makes the owner liable to the tax, while the proposed bylaw will shift the liability on to the person who is registered as owner in the municipal books, although he may not be the real owner.

(4) no. 12. The proposed limitation as to the age of the driver cannot be accepted, and the remaining portion of the bylaw is unnecessary with reference to section 3(3) of the Towns Nuisances Act and no. 28 of the existing bylaws approved in L.G. no. 1263M. dated 10th August 1891.

(5) no. 34. This bylaw is unnecessary with reference to the existing bylaw no. 31.

(6) nos. 35 to 39. There is no need for these bylaws as sections 167 to 173 of the Act give the municipal Council ample powers to deal with such matters.

(7) no. 40. The subject of this bylaw is already provided for by section 186(2) of the Act.

(8) nos. 42 to 44. These bylaws are disallowed with reference to

61

section 180(4) of the Act.

(9) nos. 46 to 50. Under section 188(3) and (4) of the Act, the Chairman can exercise sufficient control over the places referred to in these bylaws, which are therefore unnecessary. Moreover these bylaws tend to restrict the powers given to the Council by the Act.

(10) nos. 65 to 68. Section 205 of the District Municipalities Act section 3(5), (8), (11) and (12) of the Nuisances Act provide adequately for the matters referred to in

(11) no. 79. This bylaw is ultra vires as it is not authorised by section 255 of the Act.

(12) no. 82. This bylaw is unintelligible.

2. The proposed bylaws 64, which meets with the approval of Government, should be now published in the District Gazette. Section 256(1) of the Act together with a notice specifying the date after which any objections or suggestions in respect of it will be received and considered. After the lapse of the period to specified

nd after the Directions and
uggestions, if any, have been
nsidered, the bylaw should be
inally adopted by the Municipal
ouncil and submitted for the
onfirmation of Government. A
opy of the bylaw as published in
District Gazette should alsobe
bmitted to Government.

(From orders)

13/99

To

The Chairman M.C.,
Cocanada.

thro' the Coll.r of Godavari

Desp.d Lead not pleased to
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28/3

Desp.d 30/3/99

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bmitted to Government.

(From orders)

1/3/99

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To
The Chairman M. C.,
Cocanada.

Desp^r Land Rec^s please advise
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thro' the Coll^r of Godavari
Dyp^s. 30/3/99

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