Legislative (1895) Department.

ORDINARY PRINTED.

G.O., No 43 ①

Dated 25th May 1895

(A1)

[Despatch Abstract.]

BILL [illegible]O AMEND ACT IV OF 1884 (THE MADRAS DISTRICT MUNICIPALITIES ACT).

Furnishing to the Legislative Council the information ceived from the Local and Municipal Department that no private avenging fees are charged for the removal of night-soil from vessels aced in the vicinity of the street.

G.O.	No.	Department.

FU

G.O.	No.	Department.

பாதுகாப்பு பிரிவு-1

ப்பனிடுபவர் பெயர் : ரா.கையல்நாயகி

ப்பனிடுவதற்காக எடுத்தது- 12/2008

ாள்ளப்பட்ட நாள். 3/2009

பார்க்கும்
தல் முதியாள
கையொப்பம்

சரிபார்க்கும்
2ம் முதியாள
கையொப்பம்

ஆராய்ச்சி
உதவியாளர்
கையொப்பம்

MUNICIPAL COUNCILLORS' OFFICE,
TRICHINOPOLY 19th March 1895.

No. 9

FROM, M.R.Ry S.T. Rungaswami Iyengar Avl. B.A., B.L.
Rao Bahadur
CHAIRMAN,
Municipal Council,
TRICHINOPOLY.

②

~~URGENT No.~~ 1047

To, The Hon. The Chief Secretary to Government,
Local and Municipal Department,
FORT ST. GEORGE.

~~Through the Collector of Trichinopoly.~~

SIR,

With reference to Circular No. 403 dated 14th March 1895, I have the honor to report for the information of Government that in this Municipality private scavenging fees are charged only when the scavenger goes inside the house and actually cleans out the privy.

I have the honor to be,
Sir,
Your most obedient
S.T Krishnasami
for Chairman

✓

(3)

From, M. R. Ry S. T. Rungaswami Aiyangar Avl
B.A. B.L. Rao Bahadur

CHAIRMAN

Municipal Council,

~~Local & Municipal Dept.~~

TRICHINOPOLY.

~~CURRENT No.~~ 1641 M

To,

The Chief Secretary to
Government,
Local and Municipal
Department,
FORT ST. GEORGE.

Through the

Dated 19
Despatched 20 March 1895.
Received

CHIEF SECRETARY
No. 9
22 MAR. 1895
GOVERNMENT OF MADRAS

Enclosure.

Subject.

Reporting that private scavenging fees are charged only when the scavenger goes inside the house and actually cleans out the privy.

5
Lepra
1
108

(Form No. 43.)

(IX)

TANJORE MUNICIPAL OFFICE,
19th March 1895.

No. 403

From M. R. Ry. K. S. Srinivasa Pillay Avl.

Local & Municipal Dept.
~~CURRENT No.~~ 1571 M

CHAIRMAN,
Municipal Council,
TANJORE.

To

The Chief Secretary,
TO GOVERNMENT,
Fort St. George,
MADRAS.

~~Thro. the Divisional Officer,~~
~~TANJORE.~~

SIR,

Referring to your Circular No 403 dated 14 Instant, I have the honor to inform you that private scavenging fees are charged for actually cleaning out the privies and not for removing the contents of vessels and receptacles put outside houses

I have the honor to be
Sir
Your most obedient Servant

T. M. Krishnaswami Iyer
Chairman Delegate

A.D.

Local and Municipal Department

⑥

Circular No. 403 dated 14th March 1895.

1. Bellary
2. Rajahmundry
3. Calicut
4. Mangalore
5. Negapatam
6. Srirangam
7. Trichinopoly
8. Vizianagrum
9. Madura
10. Salem
11. Tanjore

The Chairmen of the marginally named Municipal Councils are requested to report at an early date whether the municipality now charges private scavenging fees for removing the contents of vessels and receptacles put outside houses, or only when the scavengers go inside the houses and actually themselves clean out the privies.

(By order)

(Signed) W. Francis

Ag: Assistant Secretary

To

The Chairman Municipal Council Bellary
" Rajahmundry
" Calicut ✓
" Mangalore
" Negapatam
" Srirangam ✓
" Trichinopoly ✓
" Vizianagrum
" Madura
" Salem
" Tanjore ✓

Please draft a
circular
Circular to some of the

Generals

screening

killing to be

they

removing

Contents vessels

Outfit

Circular. 403 / 14-3-95

(8)

Bellary	7. Trichinopoly
Rajahmundry ×	8. Vizianagram ×
Calicut	9. Madura
Mangalore ×	10. Salem
Negapatam	11. Tanjore.
Srirangam ×	

The Chairmen of the marginally-named Municipal Councils are requested to report whether the Municipality now charges private scavenging fees for removing the contents of vessels and receptacles put outside houses under Section 219 et seq of the District Municipalities Act, or only when the scavengers go inside the houses and actually themselves clean out the privies.

V.R. 5/3/95

8.3.95

13/3/95

9/3

Note

The Municipalities marked × are also put in because the number of houses conserved in them is very large.

To,
The Chairman M.C. Bellary
" Rajahmundry
" Calicut
" Mangalore
" Negapatam
" Srirangam
" Trichinopoly
" Vizianagram
" Madura
" Salem
" Tanjore

2 copies

Despd 15/3/95

Forth U.S.

Legislative C. No 108 re Levy of private scavenging fees by Municipalities.

8

This information was called for by the Local and Muni Dept with reference to the remarks made on sections 216-221 in the Select Committee's Report - vide p. 14 of the Report.

Submitted that the papers may be printed & communicated to the Legislative Council.

✗ I want the original ✗ of the L&M. Memdm with Mr Butterworth's note to the A.S.

✗ why were certain Mlties only addressed

8/5/95.

16-5

✗ The original L&M Dept Memo No 403 / 14/3/95 is herewith submitted. It was merely initialled by the U.S. & there is no separate note from the U.S. to A.S. - It refers only commun[illegible] to bigger Municipalities with reference to A.S.'s note stitched on the original.

18/3/95.

TANJOR MUNICIPA

Local & Municipal Dept.

PR. From ~~CURRENT No.~~ 1057 M

THE CHAIRMAN,
MUNICIPAL COUNCIL,
Tanjore.

(9)

To

The Chief Secretary
to Government
Madras

~~Through the Divisional Officer,~~
~~Tanjore~~

Dated 19th March 1895.

Received

No. 403.

Enclosure.

(SUBJECT)

Asking ~~Informing~~ that private Scavenging fees are charged for cleaning the privies inside the house -

CHIEF SECRETARY
22 MAR. 1895
GOVERNMENT OF MADRAS

Legis 5 Dept.
Enclosure No. 2
To 108

Calicut 18th March 1895

1074/M

From,

T. Varada Rao Esquire - S. C. S
Chairman, municipal Council
Calicut

(10)

To,

The Honorable J. F. Price. C. S. I. C. S
Chief Secretary to Government
Local and municipal Department
Madras

Sir,

With reference to circular no 403 dated 14th March 1895 Local and municipal Department, I have the honor to state that until a very recently it has been the prac in this municipality for the scavengers employed by the municipality to enter houses and clean out the privies themselves - The nightsoil thus collected, used to be removed by the men to the depot in baskets carried on heads - In native houses the privies are situated outside the houses that is anne[illegible] to the [illegible]houses - in ho[illegible] belonging to East Indians and the classes who use closets the municipal scavengers (whenever their services were availed of) entered the closets and cleaned out the contents of receptacles. In some cases I came to understand that the men were employed to clean out drains and sweep compounds - once the scavenger got into the house he used to be detained for nearly half to one hour - The scavengers belonging as they do to the class of cherumars and pariahs were easily frightened to do all this kind of work and I have been informed that on the introduction of the change referred to below some of these men were assaulted - But

~~1174 M~~

(14)

rom.

The Chairman
unicipal Council
Calicut

he Chief Secretary
to Government
Local & Municipal Dept.
Madras

UNDER SECRETARY'S
24 MAR 95

8

es 16 . 3 . 95
ed 20 . 3 . 95
s

5

in Nil

orting about
ery of private
venging fees
he Calicut
unicipali

No. 25.

Municipal O
Madura, 23rd March

~~LOCAL & MUNICIPAL~~
~~CURRENT~~ 1112 10

From. 12

R. Fischer Esquire,
Chairman,
Municipal Council
Madura

To.

The Chief Secretary to Government,
Fort Saint George,

Sir,

With reference to circula No. 403, dated 14th instant, I hav the honor to report that scavenging fees are levied only when the Totties go inside the houses and clean out priv

I have the honor to be
Sir
Your most obedient Servan

R. Fische
Chairm

Chai

~~Local & Municipal Dept.~~

~~CSPRI 1895. 111 1/2 M~~

LOCAL AND MUNICIPAL DEPARTMENT.

13

FROM
THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No.

ENCLOSURE.

Dated } 23rd March 1895.
Received }

No. 25
26 MAR 1895

SUBJECT.

Reporting on the method f levying private Scavenging fees in he Municipality.

[illegible] noted P.R.

1895
Lepee
Enclos. No 4
To
No. 108

27/3

[redacted]

Form No. 70—30—4. 4. 92.

№ 1248

MUNICIPAL OFFICE,
MANGALORE, 19th March 1895

12

From,
M.R.Ry. T. M. Rama Rao, Avargal,
Chairman, Municipal Council,
MANGALORE.

To.
The Chief Secretary to Government,
Local and Municipal Department,
MADRAS.
~~(thro' the Collector of South Canara).~~

Sir,

Enclosure None.

With reference to Circular No. 403 dated 14th March 1895, I have the honour to report that in this Municipality, private scavenging fees are charged only when the scavengers go inside the houses and actually themselves clean out the privies and remo the night soil to the Municipal depôt.

I have the honor to be,
Sir,
Your most obedient servant,

T. M. Ram
Cha

MUNICIPAL (1895) DEPARTMENT.

n,

The Chairman,
Municipal Council,
MANGALORE.

he Chief Secretary to Government,
Local and Municipal Department,
MADRAS.
~~(thro' the Collector of South-Canara).~~

ated 19th }
spatched 21st } March 1895.
ceived }

ENCLOSURES.— None. —

No 1248

SUBJECT.

Private Scavenging — Reporting
t fees for —, are charged
when the scavengers go
de the houses and actually
selves clean out the privies and
ve the night-soil to the
nicipal Depôt. —

MUNICIPAL OFFICE, RAJAHMUNDRY

16 No 184

DATED. 19th March 1895
Despd 21/3–95

From
H. C. Tate. Esqre,
~~The~~ Chairman, Municipal Council,
Rajahmundry.

~~CURRENT No.~~ 1123 M

To
The Chief Secretary to Government
Local & Municipal Department
MADRAS.
~~Through the Sub-Collector Godavery.~~

21 MAR. 1895

Sir,

With referance to your Circular No. 403 L. M. dated the 14th Instant, I have the honor to state that this Munici pality charges the same fee (private scavenging fee) whether for cleaning out a privy and ramoving the contents thereof or for ramoving the contents of vessels and receptacles put outside houses.

I have the honor to be,
Sir,
Your Most obedient Servant

Chairman

D. C.

No 2
19/3/95.

Desp ~~185~~ 184
22-3-95

~~Rajahmundry Municipality~~

~~Local & Municipal Dept.~~
1895.
~~CURRENT No. 1125M~~

1R

~~From~~
The Chairman
Municipal Council
Rajahmundry.

(16)

To
The Chief Secretary to Government
Local & Municipal Department
MADRAS.

Through the Sub-Collector Godavery.

Dated 19-3-95
Despatched 22-3-95
Received

No. 184 Enclosures. nil

QS.

SUBJECT.

Reference: Circular No 403 L.M. 14-3-95

stating that the Municipality charges only one fee both for cleaning & removing the night soil.

1895
Lyre
5
6
108

No. 414

Salem Municipal Office.
Dated 28th March 1895.

FROM Muhammad Azizuddeen Hussain Saheb ~~M.R. Ry.~~ Bahadur
~~W. VIRASAMI AIYAR AVERGAL,~~
Ex. officio Chairman, Municipal Council,
Salem.

17

Local & Municipal Dept.
~~CURRENT No. 1142~~

To
THE Chief Secretary to Government
Local and Municipal Department
Madras

Enclosure.

SIR,

With reference to your circular No 403 dated 14th Instant, I have the honor to report that the private Scavenging fees are charged only when the Scavengers go inside the houses and actually themselves clean out the private privies, but not for removing the Contents of vessels and receptacles put outside houses.

I have the honor to be
Sir,
Your most obedient Servant,
Azizuddeen
Ex. officio Chairman

RD

LOCAL AND MUNICIPAL DEPARTMENT.

~~Local & Municipal Dept.~~
~~CURRENT No. 1142 M.~~

R.

18

From

THE CHAIRMAN,
MUNICIPAL COUNCIL,
SALEM.

To

THE Chief Secretary
to Government
Local & Municipal Department
Madras.

Dated, 28th March 95

No. 414

29 MAR 1895

Enclosure Nil

S.S.

SUBJECT.

Reporting that the private
cavenging fees are charged
ly when the scavengers go
to the houses and actually
emselves clean out the private
rivies.

1895
Legis
7
108.

No 145

OFFICE OF THE MUNICIPAL COUNCIL.

Negapatam, 28 — 3 — 1895.

#9

From

The Chairman, Municipal Council,
Negapatam.

~~Local & Municipal Dept.~~
~~CURRENT No. 1161 M~~

To

The Honorable The Chief Secretary
to the Government of Fort Saint George,
Madras,
(Local and Municipal Department.)

~~Through the Head Assistant Collector and the Collector of Tanjore.~~

Sir,

Adverting to your Circu
No 403 dated 14th March 1895 I hav
the honor to inform you that Priva
Scavenging fees are is charged o
in such cases where the Scaveng
go inside the houses and clea
out the privies themselves.

I have the honor
Sir
Your most obedt Se
Frank Owen
Chairm

LR

Local & Municipal Dept.
CURRENT No. 1160/[illegible]

20

From

The Chairman,
Municipal Council,
Negapatam.

To

The Honorable The Chief Secretary
to Government, Fort St. George,
Madras.

Local and Municipal Department.

No. 145

Dated. 28 —
Despd. } 3 — 95
Received.

Reference

CHIEF SECRETARY
30 MAR. 1895
GOVERNMENT OF MADRAS

SUBJECT.

Furnishing certain
formations regarding
levy of fees for
vate Scavenging
this Municipality

Call clerk

1895
Local Dep
No. 8
To
108

21

Municipal Councillors Office
Bellary 31st March 95

No. 450.

From

B.C. Anantha Charlu.
Chairman, Municipal
Council, Bellary.

To The Chief Secretary
to Government Local
and Municipal Department
Madras

Sir,

With reference to Circular Memorandum No. 403, dated 14th instant, I have the honor to report that this municipality does not charge private scavenging fees for removing the contents of vessels and receptacles put outside houses. Private scavenging fees are charged only when the scavengers go inside the houses and actually themselves clean out the privies.

I have the honor to be
Sir
Your most obedt Servt
Chairman

~~1895~~

~~From~~ 1198 M

The Chairman,

Municipal Council,

Bellary

To,

The Chief Secretary

to Govt. L & M Deptt,

Madras

CHIEF SECRET... 2 APR 1895 ...NT OF MA...

Dated 31st } March/95

Despd 31st }

Recd

J.S. No 450

Encl (1)

Subject

Submitting certain information regarding the collection of private scavenging fees as called for in Circular Memo No 403, dated 14/3/95.

Dept. Enclos. No To

No 12.

Municipal Councillor's Office

~~Srirangam~~ 5th April 1895

Local & Municipal Dept.

~~CURRENT No.~~ 1128 M

From

M.R.Ry K. Seshathriengar Avergl.

Chairman,

Municipal Council

Srirangam.

To

The Chief Secretary to Government of

Madras

Fort Saint George.

Sir,

Referring to the Circular No 403 ? dated 14th March 1895 from the ag Assistant Secretary to Government, I have the honor to report that this Municipality now charges private Scavenging fees only when the Scavengers go inside the houses and actually themselves clean out the privies.

I have the honor to be,

Sir,

Your most obedient Servant

K. Seshadriengar

Chairman.

1895

Municipal Committee

office Vizianagaram

Local & Municipal Dept.

CURRENT No. 1228/M

From

The Chairman

Municipal Council

Vizianagaram

To

The Chief Secretary

to

Government of

Madras

7 APR 1895

No. 12

Dated 5th }
Despd 5th } April 1895

Received

1895

Legis Dept.

Encl. No. 10

To

O. No 108

called for

Please note this

Reporting that the

Municipality now

charges private

scavenging fees only

when the scavengers

inside the houses

d actually themselves

out the privies

23

CURRENT NO. 108

No. 5

24

Municipal office

Vizianagaram

31st March 1895

From

The Chairman, Municipal Council

Vizianagaram

To

The Chief Secretary to Government,

Fort Saint George

Madras.

Sir,

With reference to your Circular No. 403, dated 14th March 1895, I have the honor to state that private scavenging fees are levied in this Municipality only when the scavengers go inside the houses and clear out the privies. Nothing is charged for removing the rubbish and such other filthy matter collected in the dust-bins provided by the Municipality.

I have the honor to be

Sir

Your most obedient servant.

V. Venkatarayarstm.

Chairman. M.C.

Vizianagaram

1/45 M

DESPATCHED
5 APR. 95

Legislative Dept.

CURRENT NO. 108

C.Nos. 1041, 1057, 1074, 1112, 1114, 1123, 1142, 1160, 1168, 1228 & 1243-M.

From

The Chairman, Municipal Council,
Vizianagaram

To

The Chief Secretary to Government,
Fort Saint George,
Madras.

No. 5

Dated 31st March
Despatched 4th April } 1895
Received

Subject

stating
~~nforming~~ that private scavenging fees
re levied only when the scavengers
p inside the houses and clean out
e privies

No. 623

Transferred to the Legislative Department.

Dd 4/5/95

G. Todhunter
Assistant Secretary
28-IV-95.

V.R.
19/4/95

Forth ~~Post~~ Reply
6th ~~April~~ 1895

Recd 6/5/95
Enc: 10.

To,
The Legislative Department.

Submitted to U.S.
31/5/95

Strike 30 copies of G.O
& 100 copies of Pape

10/6

25TH MAY 1895, No. 43, LEGISLATIVE.

25

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following:—

Extract from the Select Committee's report on the Bill to amend Act IV of 1884 (The District Municipalities Act).

Sections 216 to 221—(h) An endeavour has been made to render the exact extent of the present sections 219 and 220 clearer than it is at present. There are three methods of scavenging, viz., removal from the premises by private agency, removal from inside the premises by municipal agency and removal from inside by private, and from outside by municipal, agency. Of these, the first will be provided for in section 221, the second in section 218 and the third in section 217. We do not know to what extent notices under the present section 219 to provide receptacles have been issued, nor are we certain whether fees are ever levied now for the emptying of vessels placed in the vicinity of the street. Information on the subject is being collected in the Local and Municipal Department of the Secretariat. Meanwhile we are of opinion that the mere emptying of the night-soil receptacles placed near the street should be performed gratis, fees being levied only when the actual cleansing of the latrines is performed by the municipal servants.

— —

ORDER—dated 25th May 1895, No. 43, Legislative.

From the reports received in the Local and Municipal Department, it appears that the existing practice ordinarily is to levy private scavenging fees only in cases where the scavenger actually enters the house and cleans out the latrine attached to it. It is the exception to charge fees for the removal of night-soil from vessels placed in the vicinity of the street.

(True Extract.)

D. S. P.
Ag. Under Secy. to Govt.

To the Hon'ble Members of the Legislative ~~Department~~ Council.
„ Local and Municipal Department.

Exd. C. A. Munisawmi.

Govt. of {1895} Madras.

LEGISLATIVE.

Issued

Recd. Encl.

G.O., 25th May 1895, No. 43.

MAY.

Bill to amend Act IV of 1884 he Madras District Municipalities Act).

Furnishing to the Legislative Council the formation received from the Local and Municipal epartment that no private scavenging fees are arged for the removal of night-soil from vessels aced in the vicinity of the street.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

26

PAPERS

(No. 89.)

RELATIVE TO

A Bill to amend Act IV of 1884 (*The Madras District Municipalities Act*).

G.O., dated 25th May 1895, No. 43, Legislative.

7 p 13 1/4 [illegible]

To

The Honourable the COUNCIL of the GOVERNOR of
FORT ST. GEORGE for making LAWS and REGULATIONS.

We, the undersigned members of the Select Committee appointed at the meeting of Council held on the 7th March 1894 to consider the Bill to amend the Madras District Municipalities Act, IV of 1884, have the honour to submit to the Council our report thereon.

The task imposed upon us has proved a very arduous one, partly on account of the great number of communications relating to the Bill which were referred to us for consideration and partly on account of the obscurity and looseness of wording which characterizes so much of Act IV of 1884. More than thirty sittings were held by us, and, in the attempt to remedy the defects in the existing law, we have found it necessary to greatly enlarge and modify the original Bill; in fact, very little of that Bill stands in the form which it had when introduced.

We do not intend to detail our reasons for all the changes proposed by us, as to do so would involve lengthy explanations regarding modifications which are designed merely to render the intention of the law clearer and to supply necessary rules as to procedure where none exist at present. We have had the Act printed in the form which it will assume if the Bill as revised by us is passed into law, and, when we use the word "section", we mean a section of the Act as re-printed; while "(Bill 1) section" means a section of the Bill referred to us for report.

The original Bill was published in the *Fort St. George Gazette* on the following dates:—

English	6th February 1894.
Tamil	27th do.
Telugu	20th do.
Malayálam	27th do.
Canarese	20th do.
Hindústání	27th do.

We have not thought fit to give the direction referred to in Council Rule 41, so that the Bill as revised will be published in all the languages specified above.

Section 2.—Spent.

Section 3.—The definitions are arranged in alphabetical order.

The definition of "bake-house" has become unnecessary by reason of a change in the wording of section 188.

The definition of "building" is modified as proposed in (Bill 1) section 3.

A definition of "Company" seems wanted and we have taken that adopted in the Land Acquisition Act, 1894.

The definition of "Magistrate" is altered to exclude Village Magistrates.

"Market" is at present defined as a place, ordinarily used for certain purposes, "which is, at the passing of this Act, a licensed market or which may hereafter be declared by the Municipal Council to be a market". But, in the portions of the Act relating to markets, viz., sections 194—205, there is no provision for formally declaring places to be markets, places used for purposes other than those specified in the definition are spoken of as if they were markets and there is a useless repetition of the purposes for which markets may be used. We remedy these defects by defining markets to be places which are at present markets or which may have been declared to be markets and by providing in section 193-A for a formal declaration of places used for certain specified purposes to be markets. (Bill 1) section 6 provides that no shop or group of shops less than three in number shall be held to be a market; we have adopted this provision but insert it in section 193-A, instead of in the definition. The definition of "public market" is defective in not clearly covering markets constructed at private expense and presented to the municipality, and we have modified it accordingly. We have put in a definition of "private market," as suggested by Government in Paper No. 11, but it seems hardly necessary.

The definition of "nuisance" is remarkably and unnecessarily wide; it covers practically every act which is offensive to any single individual. We think it should be restricted to acts which are a common offence; in other words, that it should be brought more into line with the Penal Code definition of "public nuisance" (Indian Penal Code, section 268).

The present definition of "official year" has been retained as a definition of "year" and the necessary alteration has been made throughout the Act; the object of the change is brevity of expression.

The definition of "palanquin" given in (Bill 1) section 4 seems too wide; we have tried to make it clear by our definition that simple slings used for carrying aged and sick people do not fall within its scope.

In view of the provisions which we propose to insert in sections 10-A and 30 a definition of the word "relatives" seems necessary; and a definition of the word "scavenger" has been put in so that there may be no misapprehension as to the persons who are punishable for default in performance of work under section 282-A.

Some important alterations have been made in the definition of "street." It has been pointed out that poramboke specially reserved by Government for purposes other than as a means of communication should not form part of a street even when it lies between the roadway and a bounding wall, and, also, that streets are not necessarily bounded by walls, as the present definition implies, but may run through private fields or waste lands; to meet these two objections we have altered the definition and we have further made it clear that the drains alongside the roadway form, in every case, part of the street.

The present definition of "public street" is defective in two points; it does not cover streets made at the cost of Municipal funds after the commencement of Act IV of 1884 and it does not refer with sufficient clearness to the provision of law under which streets can be declared to be public streets. We have remedied these two defects.

To shorten the Act we have inserted a definition of "water-course" and we have adopted, with modifications, the definition of "public wells and tanks" given in (Bill 1) section 5.

Section 4.—Altered as proposed in (Bill 1) section 7 and also with the object of empowering Government to modify, as well as to cancel, notifications applying the Act.

Section 6.—Spent.

Section 7.—Unnecessary by reason of the General Clauses Act.

Section 8.—Modified as proposed in (Bill 1) section 8.

Section 10-*A*.—We think it advisable to insert in the Act itself certain of the conditions which disqualify for election. The new section is based on the City Act and on the rules relating to elections which have been framed by Government, but we have not attempted to specify the property-qualifications required of candidates for election; that we would leave, as at present, for Government to determine by rule.

Sub-section (2) of the new section will be noted. An analogous provision appears in the last sentence of section 7 of the City Act. The object of the sub-section is to prevent the formation of family cliques and the necessity for some such provision has been urged in several of the papers before us. (Bill 1) section 9 has been incorporated in sections 10 and 10-A.

Section 10-*B*.—This renders corrupt practices at elections penal; it is based on section 18 of the City Act.

Section 13.—We accept the principle of (Bill 1) section 10 but think that one month's notice of the cancellation or modification of a notification under section 13 is insufficient. The period has therefore been extended to three months. We also omit the reference to publication in the District Gazette, so as to avoid questions as to the publication from which the period of three months should run.

Section 14.—The amendment proposed in (Bill 1) section 11 seems unnecessary; the appointment of Chairmen is not gazetted at present we understand.

Section 15.—(Bill 1) section 12 has been adopted.

Section 16.—This has been modified in the manner suggested by the Government of India and accepted by the local Government (*vide* Paper 4-A).

We have also given Government power to appoint paid Chairmen independently of the views of Municipal Councils.

Section 17.—Most of the alterations proposed in (Bill 1) section 13 have been carried out. We have not, however, inserted the words "unless he dies, resigned or is removed" because it seems somewhat absurd to declare that a councillor shall not hold office for three years, if he dies before the expiry of that period, and because it is sufficiently obvious that a councillor can terminate his period of office by resignation. That the said period is terminated by removal can be made clear by inserting at the beginning of section 17 the words "subject to the provisions of section 19." The section has been further amended to remove all doubts as to the date at which the period of office begins.

Section 18.—Modified as proposed in (Bill 1) section 14.

Section 19.—The Revenue Divisional officer being an *ex-officio* councillor and, occasionally, *ex-officio* Chairman, it is plain that he cannot be removed under section 19; this should be made clear. Of course he can be dealt with in other ways if his continuance on a Council is undesirable. We see no objection to (Bill 1) section 15, but (Bill 1) section 16 has aroused strong opposition. It has been represented, and, we think, with truth, that the independence of the Chairman will be seriously affected if Government is required to suspend him on the vote of two-thirds of the Council. Such a provision seems to us to serve no useful purpose, inasmuch as it is open to any one to complain to Government against the Chairman if he is believed to be liable to removal under section 19, and to put the Chairman in a position relatively to the Council which it is highly undesirable that he should occupy. The last part of clause (iv) of sub-section (1) has been inserted at the suggestion of Government (Paper 38). Cases such as that mentioned by Government in justification of its proposal are not likely to be very common, but at times it would undoubtedly conduce to the efficiency of municipal administration if Government possessed more extended powers in regard to the removal of councillors.

A clause has also been added to provide for the removal of persons whose appointment was opposed to section 10-A.

Section 20.—Modified as proposed in (Bill 1) section 17.

Sections 22 *and* 25.—We observe that the original Bill does not purport to repeal sections 22 and 25, although the Government of India, in paragraph 5 of Mr. Lyall's letter dated 8th November 1893, No. 1373, Judicial, suggested that the repeal of section 22 should be considered and although the Madras Government, in endorsement dated 4th December 1893, No. 866, observed that both section 22 and section 25 might be omitted (correspondence in G.O., dated 29th January 1894, No. 8, Legislative). We gather from Mr. Fitzpatrick's letter read in G.O., dated 13th September 1884, No. 205, Legislative, that the Secretary of State took exception to a clause similar to section 22 in the case of the Central Provinces Local Self-Government Act, on the ground that it appeared to be inconsistent with the existing law. The Government of India itself seems to have been uncertain as to the Secretary of State's meaning, for it stated that he "apparently" referred to "the statutory enactments regulating the mode of executing conveyances of property vested in Her Majesty." We presume that, by "the statutory enactments," the Government of India meant the Statute 22 and 23 Victoria, Chapter XLI. If so, we confess that we cannot see any inconsistency between the statute in question and sections 22 and 25 of the Act. The statute relates to the sale, hypothecation and purchase of property vested in Her Majesty and to the making of contracts in her behalf and, after a recital of its purposes, the statute proceeds to describe the manner in which such conveyances and contracts shall be executed. On the other hand, sections 22 and 25 of the Act merely empower Government to vest property in municipal councils for such periods as it thinks fit and they do not contemplate a permanent and irrecoverable transfer of proprietary right. We understand, too, that the sections have proved to be useful in practice and we are decidedly in favour of their retention. Section 25 has been amended as proposed in (Bill 1) section 18.

Section 28.—Government has represented (Paper 10) that it has been found inconvenient to prohibit the lodging of Municipal funds in banks at a distance from the municipality and we have therefore given power to lodge such funds in any bank.

It has also been suggested that some restrictions should be placed on the power of councillors to sign orders for payment of money and we have therefore confined the power to councillors authorized by the Chairman or his delegate.

Section 29.—This has been modified with reference to (Bill 1) section 19. It has been represented that inconvenience is caused by the absence of any provision for issuing notices of ordinary meetings. The complaint has probably some foundation and we therefore provide that three days' notice shall, except in urgent cases, be given before *any* meeting is held and omit the provision that six days' notice shall be given before *special* meetings are held. We further provide that an *agenda* paper shall be circulated before *every* meeting and not only before meetings summoned on the requisition of one-third of the councillors.

We agree with Government (Paper 23) that meetings of municipal councils should be open to the public, reserving, however, to the presiding member a right to direct any person, for reasons to be recorded, to withdraw.

Section 30.—The amendment proposed in (Bill 1) section 20 has been adopted, but we have extended it so as to prevent councillors voting on questions in which their relatives, servants or employers are pecuniarily interested as we gather from G.O. dated 31st October 1894, No. 1588 M., Local and Municipal, that such an extension of scope is necessary. The amendment proposed in (Bill 1) sections 21 and 22 have also been accepted by us. It has been represented that, on occasions, the strength of a Council may fall temporarily so low that one-third of the members will not be a reasonable quorum. We have therefore proposed to prescribe an absolute minimum of four councillors. We are not inclined to adopt (Bill 1) section 23. We think that the capricious modification of resolutions should be guarded against and, with this object, it is proposed to provide that the modification of resolutions within three months shall be dependent on the vote of at least one-half of the *sanctioned* number of councillors and, as suggested by Government in Paper 11, that no such modification shall be made except at a special meeting.

Section 31.—We do not approve of (Bill 1) section 24. The Divisional officer has certain duties imposed upon him by section 36 and should be kept informed of what is going on.

The additional sub-section proposed in (Bill 1) section 25 has been accepted in principle. It having been represented that Councils have occasionally some difficulty in ascertaining the progress made in carrying out resolutions, a new sub-section has been inserted requiring Chairmen to furnish Councils with such monthly progress-reports as they may prescribe. With regard to (Bill 1) section 26, we think that the Chairman's power to delegate should not be exercised for more than three months *on the whole* in any year; that the restrictions upon delegation should be more clearly stated; that, as suggested by Government in Paper 35, the effect of delegation upon the Chairman's responsibility should be more distinctly indicated; and that notice of delegation should be sent both to the Collector and to the Divisional officer. The wording of the revised sub-section (3) of section 32 will, it is hoped, prove clear enough to prevent any future misapprehension on the subject of delegation of powers.

It has been represented in Paper 70 that the phrases "the Municipal Council may," "the municipal council at a meeting may" and "the Municipal Council by a

resolution passed at a meeting may" are used indiscriminately in the Act. The criticism seems correct and, as one great feature of our revised Bill is the distinct division of duties between the Chairman and the Council, it will, we think, be quite enough if the Act declares simply that the Chairman shall not exercise any power which is vested in the council. We therefore propose to omit the words "at a meeting" from the present sub-section (3) of section 32, and wherever else they occur, except in section 30 where they must be retained.

Section 34.—It has been pointed out that it would be convenient if the Collector had authority to depute the Divisional officer to exercise the powers conferred on the Collector by this section.

Section 36.—It is evident that the Collector should possess the powers conferred on the Divisional officer by this section.

Section 37 embodies (Bill 1) section 27 and contains a reference, which other amendments render necessary, to the Chairman.

Section 40.—We have accepted (Bill 1) sections 30 and 31 but not (Bill 1) sections 28 and 29. Of these section 28 is unnecessary and the same remark may be made of section 29; for municipal councils can be trusted to see that the services of their employés are not lent out on unsuitable terms and to contract, where necessary, for a contribution towards their salaries on the part of the public or private bodies employing them.

Sections 42 *and* 43.—Modified with reference to (Bill 1) sections 32 and 33.

Sections 44 *and* 45.—Modified to give effect to the apparent intention of (Bill 1) sections 34 and 35.

Section 47.—A majority of us has agreed to the proposals to raise the maximum tax on buildings or lands from 7½ to 10 *per cent.* of the annual value and all of us concur in the suggestion made by Government in Paper 19 that the water-tax should be raised from 4 to 6½ *per cent.* of the annual value of buildings and lands and should be made applicable to drainage as well as water-works. We observe that the Panjáb Municipalities Act XX of 1891 (section 42) enables the levy of a tax on menial and domestic servants, and, from Paper 82, we find that it has proved a very lucrative tax in Simla and has been collected without difficulty. It appears to us that provision should be made for the levy of a similar tax in hill-stations in the Madras Presidency, because, as the law stands, visitors for brief periods to hill-stations escape municipal taxation altogether. It is not our intention that residents at such stations should be liable to this tax and we have made this clear by providing in section 96-A that no person who is liable to pay the Arts tax, House-tax or Water-tax shall be called on to pay the tax on servants.

Section 51.—The intention of section 51 as it stands is not quite clear, but a reasonable interpretation is that it confers the power to remit a tax only in the event of a person becoming, after assessment thereto, incapable of paying it. We understand, however, that the section has generally been held to give the council authority to exempt any person from taxation on the ground of poverty, and, if so, (Bill 1) section 38 merely renders the meaning of the law unmistakeable. We see no serious objection to accepting the amendment proposed in this section 38; the power conferred is not likely to be often or greatly abused.

We do not see our way to defining "poverty" for the purpose of section 51, as suggested by Government in Paper 49.

Section 52.—It has been pointed out that sections 52 and 70 of the Act as it stands are inconsistent. We have, therefore, omitted the litter and inserted in the former the provisions relative to fees for searches of the assessment books which now appear in section 70.

We have also given the municipal council power (*a*) to supply any deficiencies in the Chairman's assessments by directing him to insert any name in the assessment books or to raise the amount entered against any person's name, and (*b*) to appoint committees for the scrutiny of the said books.

Section 52-A.—Some dissatisfaction has been expressed in regard to (Bill 1) section 40 which empowers the Divisional officer to hear appeals against the assessment by the council of the taxes due by the Chairman. It has been urged that as the Divisional officer is a councillor himself and may have voted with the minority, he ought not to have power to revise the decision of a majority of the councillors. We regard this objection as forcible and have therefore reversed the procedure originally proposed and have constituted the Divisional officer the assessing authority and the council the appellate authority.

Section 52-*B*.—This is the present section 57 which we have removed from its present position under the head "Tax on Arts" and placed among the general sections relating to taxation.

Section 53.—We see no reason why pensioners should escape the tax on arts.

Section 56-*A*.—This has been inserted with reference to Paper 20. The Courts have held that a public servant who is absent from the municipality where his office is stationed for more than four months in the half-year is not liable to the tax on arts, because his office is used for the transaction not of his own business, but of that of the State. We do not think that such a plea ought to prevail and we have inserted section 56-A to give effect to our views.

Section 58.—This, as it stands, is defective. The corresponding section 109 of the City Act has been interpreted by the High Court in criminal revision case No. 391 of 1890 to mean that only one tax can be imposed on a firm or undivided family and that the tax cannot be collected from *each* member, but only from *one or other* of the members. This interpretation doubtless represents the intention of the framers of Act IV of 1884 and, after considerable discussion, we have decided to adhere to that intention and, by amending the section, to make it clearer.

Section 60.—After considerable discussion we have decided to recommend that section 60 should not be repealed. The repeal would bear particularly hard on public servants who are liable to frequent transfers and the amount lost to municipal funds by reason of the section is, except so far as it affects companies, comparatively trifling. But we are of opinion that companies, as now defined, ought not to be allowed to claim clearance throughout the mufassal by reason of a payment in one municipality and we propose to declare the section to be inapplicable to them.

There is another matter to be considered in connection with this section. Suppose a Sub-Collector is transferred in the middle of a half-year on promotion to Collector, from municipality X to municipality Y, then it is plain that his payment in X of the tax due on him as Sub-Collector ought not to clear him entirely in Y where he occupies a higher office; but it is by no means obvious, as the law stands, that he would not be so cleared. We propose to amend section 60 so as to remove this defect.

Section 62.—The section has been extended to enable the Chairman to call for lists of residents in clubs, hotels and boarding-houses.

Section 63.—(Bill 1) sections 42 and 43 have been adopted and we have made other considerable modifications in section 63. Sub-section (1) we have altered so as to make it clear that buildings or lands used partly for a religious or charitable purpose and partly for other purposes are liable to taxation to the extent to which they are used for such other purposes. It will be observed that we have removed from section 47 into section 63 the provision regarding the rate at which the taxes on buildings or lands can be levied. We have considered in connection with this section the correspondence about the taxation of "Bishopsdown," Ootacamund (Papers 5 and 25). The interpretation placed by the District Court of Coimbatore upon the present sub-section (2) of section 63 is undoubtedly correct, but to prevent misapprehension in future we have endeavoured to make the intention of the legislature clearer.

Sub-section (4) of the new section merely carries out the obvious intention of the law.

Section 63-*A*.—We think it will prove useful if power is given to levy the tax on buildings at a rate calculated with reference to the area covered by them. It will save a great deal of trouble if the council can assess rows of houses in this way.

Section 64.—Clear provisions regarding revision petitions have now been inserted in the Act and sub-section (2) of section 64, as now drawn, enables petitioners to defer payment of their taxes until their revision petitions are disposed of.

Section 65.—The present sub-section (3) becomes unnecessary in view of the changes proposed in section 66.

Section 66.—The amendment proposed in (Bill 1) section 46 has been accepted but carried into effect in section 66 instead of section 74. We have now made it plain that the assessment books are to undergo a complete revision once every five years and may be amended at any time and that all changes have effect from the ensuing year.

Section 67.—Spent.

Sections 69 *to* 69-*D*.—These sections provide intelligibly for the presenting and disposing of revision petitions. There is no distinct procedure laid down at present and it seems necessary to supply the defect. The only point to which attention need be particularly drawn is the provision in section 69-B which declares that, between two general assessments, no reduction of tax will be made, except on proof of *material* deterioration in the value of property.

Section 72.—We think it better that section 72 should provide for a refund, instead of a remission of tax, on proof that a building has been vacant for sixty days and section 72 has been re-cast to give effect to our views. On the whole we think it unnecessary to give, as proposed in (Bill 1) section 45-A, an appeal to the council against the Chairman's orders under section 72. If the Chairman refuses to give a refund when such is due under the Act, the person aggrieved can, presumably, resort to the courts for a remedy.

Section 73.—It has been pointed out that section 73 is defective in that it contains no distinct directions as to the course to be adopted when notice of the new construction, enlargement or demolition of a building has been given. We have endeavoured to supply the deficiency.

Section 74.—This section, as it stands, incorrectly implies that assessments are made by the council. The section has been rendered unnecessary by changes in other parts of the Act.

Section 75.—It has been made clear that the present water-tax is to be a water *and drainage* tax in future and the rate at which it is leviable has been raised from 4 to 6½ per cent. The wording of the section has been improved and it has been distinctly provided that, when an area-tax is substituted for a value-tax, the former shall be levied with due regard to the difference between the rates at which the taxes under sections 63 and 75 are leviable. It will be noticed that the ratio between 4 annas and 2½ annas is, roughly, the ratio between 10 and 6½.

Section 76 re-appears in section 149-A.

Section 77.—Amended as proposed in (Bill 1) section 48. We have not adopted (Bill 1) section 49, but have made a slight alteration in the present sub-section (3) which will have the same effect. The principal change in section 77 is, however, the substitution of *fifteen* days for *thirty* days. Our main reason for recommending that the tax on spring vehicles and animals should fall due at an earlier period than is at present the case is to enable the taxation of visitors to hill stations.

Section 78.—We propose to withdraw the exemption at present granted in respect of Government vehicles and animals not used for military purposes. (Bill 1) section 50 has been accepted in principle, but we have made it clear that a Police officer or Municipal servant cannot claim exemption for vehicles or animals which are not used in the discharge of his duties.

Section 80.—Amended to make the intention clearer.

Section 82.—As it stands, this section is silent as to what is to be done if the person liable to tax duly fills up the form sent to him under section 80 but fails to pay the tax due. We have supplied the deficiency.

Section 85.—Sub-section (1) has been modified with reference to (Bill 1) section 51 but it is unnecessary to specify here the period after which the tax on carts is chargeable. That can best be done by means of a separate section, sub-section (2) of section 86 being omitted.

Sub-section (4) of section 85 has been amended, as proposed in (Bill 1) section 52, so as to exempt carts kept solely for sale, but we do not think it advisable to extend the exemption to all vehicles belonging to Government. On the contrary, as already stated, we have assimilated sections 78 and 85 by restricting the concession granted by the former to vehicles used for Military purposes.

Section 86.—As it stands, sub-section (1) of this section requires registry of carts *within* fifteen days, while sub-section (2) declares that no person is bound to register a cart which has been in his possession for *less than* fifteen days. There is thus a direct contradiction which we have removed by allowing *twenty* days within which to register. The use of the words "owning or" in sub-section (1) of the present section seems erroneous, as the whole section apparently relates to cases of transfer of ownership only.

Section 86-*A*.—Represents sub-section (2) of the present section 86 which has now been made general, instead of being restricted to cases of intermediate possession. The change is plainly necessary.

Section 87.—Repealed as proposed in (Bill 1) section 53.

Section 90.—It has been represented that section 90 as it stands is not detailed enough, as it does not explain what course should be adopted if a vehicle is claimed before sale. We have, therefore, re-drawn the section. Also, in order to dispense with accounts of expenses incurred in the seizure and sale of vehicles, we propose that a lump fee should be levied on this account. Further, we think it incorrect to refer in section 90 to the fine imposed under section 111. For that fine can only be imposed after prosecution under section 103, that is, on failure to recover by distraint. But in the case contemplated by section 90, distraint has already taken place and there seems, therefore, no room for prosecution. We accordingly recommend that the Chairman should be empowered to recover as penalty a sum not exceeding the amount of tax due. This seems to us by far the best arrangement.

Section 91.—Amended as proposed in (Bill 1) section 54, but we have added a clause exempting Municipal vehicles and animals and have also made it clear that Military and Police officers must be in uniform to pass free of toll.

Section 92.—This implies, as it stands, that toll-farmers may sell by auction vehicles which have been seized in default of payment of tolls. We believe, however, that no such right has been conceded in practice and it is pretty obvious that the Legislature never intended to confer it. We propose to omit the last part of sub-section (1) of section 92 so as to avoid misapprehension on this point.

Section 94.—We do not recommend the adoption of (Bill 1) section 55; it seems to us objectionable on principle.

Sections 95 *and* 96.—These are most defective as they stand and we have amended them, principally with the object of showing (i) that no vehicle or animal is to be seized if the toll could be recovered by seizure of its load or appurtenances; (ii) that distraint is not to be excessive and (iii) that the property seized is to be sent at once to the Chairman or his representative.

Sections 96-*A to* 96-*E*.—These sections contain detailed provisions for the levy of the tax on servants. It will be seen that the tax is to be levied from the employer, that certain classes of persons are exempt from the tax and, if they pay it, may claim refund and that the tax is a monthly one payable after five and within eight days.

Section 97.—It is necessary to amend this section so as (*a*) to give an appeal to the council against the Divisional Officer's assessment of the taxes due by the Chairman; (*b*) to prevent any misconception as to the meaning of the present clause (i); (*c*) to show that there is no appeal against orders passed by the Chairman under sections 89, 90, 95 and 96; (*d*) to restrict the right of appeal against assessments to the taxes on buildings and lands to persons who have previously put in revision petitions before the Chairman and (*e*) to give the council power, on its own motion, to revise the Chairman's orders reducing or remitting taxation.

Section 99.—This, as it stands, is very badly worded. For instance, it requires appeals to be presented within fifteen days from "the day specified under section 69 or 71", although, at the expiry of that period, the revision petition to the Chairman may be still under consideration and it speaks of "the demand" of the tax on vehicles and animals, though there is no formal demand in the case of carts. We have endeavoured to remove these and similar defects, have made it clear that the condition requiring payment of the tax before appeal can be dispensed with *only on the ground of poverty* and have vested the dispensatory discretion in the Chairman instead of the council.

Section 102.—Has been modified with reference to (Bill 1) section 56 and with the object of making its meaning clearer.

Section 103.—This is an unsatisfactory section as it stands. We have attempted, in the section which we propose to substitute for it, to show beyond possibility of doubt that prosecution is alternative to distraint and that it may be resorted to, not only when the property of the defaulter is found to be insufficient, but, also, when distraint is prevented by the action of any person. We do not understand the provision enabling distraint of any property in a building when the defaulter is the *occupier* and the tax is due in respect of such building. It is the *owner* who pays the taxes on buildings and lands and the water and drainage tax, so that the case contemplated in the section can never, apparently, arise. Nor is the word "occupier" simply a mistake for "owner", for section 110 provides separately for recovery from occupiers of taxes due by owners. We have therefore omitted the last part of clause (i) of the section altogether. The reference to "costs" in section 103 is somewhat obscure; we have made it clear that what is meant is the warrant fee, the distraint fee and the expenses incidental to detention and sale.

Section 104.—We have not accepted (Bill 1) section 59. We see no reason for a graduated scale, inasmuch as the trouble and expense of issuing and serving warrants are the same whatever the amount involved.

Section 105.—This has been modified with reference to (Bill 1) section 60, but we do not think it would be just to require payment of the distraint fee before distraint has taken place.

Section 106.—It has been suggested that the law should be clear as to the power of distrainers to break open outer doors. We have accordingly made section 271 of the Civil Procedure Code applicable. Of course, if an outer door is closed against a distrainer, the defaulter can be prosecuted under section 103. The section has also been amended to make it clearer as to the amount of property which may be distrained.

Section 107.—This needs alteration in consequence of the discrimination between warrant and distraint fees. We have further declared the course to be adopted when any property is left over after satisfying the claims of the Municipality, when the amount of the first distraint proves insufficient to satisfy such claims and when objections are raised to the sale; these being matters as to which the law is silent at present. We do not think it necessary that the Chairman should send notice to the owner before property liable to speedy decay is sold; it will suffice if the warrant contains a warning that such property is liable to be sold immediately; section 107 and schedule F have been amended to give effect to our views on this point.

Section 108.—Slightly altered to show that distraint fees in no case include the cost of detaining or maintaining property seized.

Section 110.—The correspondence in Paper 33 shows that the meaning of this section is not sufficiently clear. We have, therefore, modified it so as to leave no doubt that the distraint of the occupier's property is subject to the general provisions relative to distraint (so that the amount of distress will be such as to cover fees and other expenses as well as the mere tax) and that the occupier cannot be prosecuted under section 103 or sued on account of a tax due by the owners unless he wilfully prevented distraint.

Section 111.—This is open to numerous objections in its present form. The reference to a notice-fee is incorrect; the section is so wide as to render liable to punishment under it even persons whose default was the result of simple poverty; the reference to "notice aforesaid" is misleading and the proviso does not cover the case where the sum mentioned in the notice is below the real demand. These defects we have endeavoured to remedy. We do not believe that the legislature intended that default by reason of poverty should be punishable under section 103 and we have therefore expressly provided that the only persons punishable are those who have wilfully or negligently omitted to pay or who have wilfully prevented distraint or a sufficient distraint.

Section 112.—Spent.

Section 113.—Amended with reference to (Bill 1) Sections 63 and 64; but we have not thought it expedient to remove the general restriction as to the expenditure of Municipal funds within the Municipality where they are raised. The principle is an important one and should be apparent on the face of the Act. All the difficulties which the existence of this restriction has occasioned can be avoided by giving Government the power to sanction the expenditure of Municipal funds outside the Municipality in special cases. The proviso to section 113 has been omitted, as section 47 contains all that is necessary.

Section 123.—May go out and the substitute for it proposed in (Bill 1) section 66 seems unnecessary, clause (ii) of section 113 and clause (i) of section 118 containing all that is necessary.

Section 124.—Amended as proposed in (Bill 1) section 67.

Section 131.—It has been represented that section 131 is too stringent and prevents persons from procuring, on payment of a fee, the attendance of vaccinators at their own houses. We have therefore specially provided by a new sub-section for the performance of vaccination at private houses. Sub-section (3) represents the present section 139 with a slight modification. Under section 139 a gosha woman could demand the attendance at her house, free of charge, of a vaccinator to vaccinate her female infant child. It is right that attendance on gosha women should be gratis, but we do not see why the infant children of gosha women should not be taken to the vaccinating station by some male relative or servant, if the mothers are not prepared to pay for their being vaccinated at home.

Section 134.—Amended as proposed in (Bill 1) section 68; the compulsory age for vaccination has been altered from "more than six months" to "six months."

Section 138.—The amendments proposed in (Bill 1) sections 69, 70 and 71 have been adopted and the wording of the section has been improved.

Section 143.—Some verbal changes have been made in consequence, partly, of the insertion of a definition of "water-course."

Section 145.—The distances given in the present section and (Bill 1) section 72 seem insufficient, so we have extended 1,000 yards to one mile and 300 yards to half a mile.

Section 147.—The section has been shortened and it has been left to the council to decide as to the supply of water both for domestic purposes and for other purposes; at present the decision rests with the council, in the case of a supply for domestic purposes, and with the Chairman (subject to the approval of the council) in the case of a supply for other purposes.

Section 148.—As amended, the section requires that entry shall not be made after sunset and that notice shall be given before entry; provisions to this effect appear on the corresponding section (144) of the City Act. The section has also been verbally amended.

Section 149-*A*.—This incorporates the present section 76 and has been extended so as to cover the same ground as section 146 of the City Act. We have not adopted the amendment of section 76 proposed in (Bill 1) section 47 partly because we think it unnecessary, the party concerned being able to get re-connection with the water-supply system by making a fresh application, and partly because it would be applicable to only one out of several cases.

Section 152.—The person who should be punishable under this section is, plainly, the "occupier" and not the "owner or occupier." The duty thrown on the council by this section could be more suitably imposed on the Chairman and a similar remark applies to many other sections. In fact, the Act generally does not discriminate very clearly or judiciously between the duties and powers of the council and those of the Chairman, and we have gone carefully through it, substituting the one for the other where such a change appears advisable.

We have also made it plain that section 152 applies to the defilement of *any public* water-course or spring; this seems to be the intention, but it is not very clearly expressed.

Section 154.—As it stands, this section is unnecessarily lengthy.

Section 155.—This has been amended with reference to (Bill 1) section 73 and, further, in view to greater precision.

Section 156.—It has been suggested that the powers given by section 156 to compel the cleansing of private drinking-water wells, &c., should be extended so as to enable similar orders to be issued in regard to places set apart for bathing and washing clothes. We think the extension desirable and have amended the section accordingly. It will be seen that, whereas we propose to give the *Chairman* the power to order the *cleansing* of tanks, &c., we have left it to the *council*, as at present, to order the *disuse* of the same.

Section 161.—We think that two months' notice of the intention to make a new street should be given to the council; one month seems insufficient. The section as it stands is silent as to the course to be adopted by the applicant when the council delays to pass orders on his application for a license; we have provided that, in such a case, he may make the proposed street without a license.

Section 163.—This has been made clearer.

Section 165.—The amendment of the definition of street renders the addition proposed in (Bill 1) section 74 unnecessary.

Section 166.—It seems reasonable that all three clauses should agree in imposing the duties mentioned therein on the occupiers of property, on default by the owners.

Section 167.—Amended, with reference to Paper 22. We agree with Government that walls and fences should not be put up so as to abut on roads without sanction, even though they do not actually encroach thereon.

Section 168.—It has been represented that section 168 of the Act is unduly restricted in that the council cannot cause an obstruction or encroachment to be removed, if it was made subsequent to the commencement of Act IV of 1884. Section 138 of the Act previously in force (Act III of 1871) was not so limited and it is obvious that circumstances might arise where inconvenience would be felt from the want of power to remove an obstruction which had previously been sanctioned. Sub-section (3) affords sufficient protection to those who have encroached with permission and will prevent any misuse of the enlarged powers which we now propose to grant. We have therefore omitted the words "before the coming into operation of this Act."

Section 169.—The amendment proposed in (Bill 1) section 75, becomes unnecessary by reason of our alteration of section 168.

Section 170.—Revised as proposed in (Bill 1) section 76.

Section 172.—An obvious error has been corrected.

Section 173.—We have accepted, with modifications, the addition proposed in (Bill 1) section 77. It is not necessary to declare here that an offender may be prosecuted, because section 264-A sufficiently provides.

Section 173-*A*.—This represents with alterations, the new section proposed in (Bill 1) section 78. We think that the power to order and effect the removal of *débris* should vest in the chairman; that the occupier should be the person bound to remove *débris*, but (compare section 183) at the cost of the owner; and that provision should be made for extending the period of twelve hours allowed for removal.

Section 176.—The present wording is clumsy.

Section 178.—The proviso is badly worded, and it is also unnecessary, inasmuch as section 278, as now amended, compels the municipal council to compensate for damage caused.

Section 180.—It has been doubted, apparently, (see Paper 70) whether this section applies to the re-construction of buildings; it plainly should do so, and it is also, we think, plain that the section is not intended to apply to mere walls. We have made these points clear. We have also extended the section to wells, following section 48 of Madras Act II of 1892. It has further been made evident that *plans* of proposed buildings are not absolutely necessary; it would be too much to expect them in mufassal municipalities. The period of notice has been extended from one month to six weeks and provision has been made to meet the case where the council neglects to pass orders on an application. We have also made it quite clear that the council has no power to *absolutely* refuse a license to construct a building or well; the High Court (Indian Law Report, XVI Madras, 230) has ruled that this is the law at present, but it might well be made clearer.

Sections 181-*A and* 181-*B*.—Adopted from (Bill 1) section 79.

Section 181.—Section 263 gives power in general terms to the *council* to stop the construction of a building carried out in defiance of section 180; we think it advisable to confer similar powers on the *chairman* by an amendment of section 181. It seems expedient that the chairman, rather than the council, should take action under section 181, as expedition will often be necessary.

Section 183.—This is almost unintelligible as it stands, but we take it to mean that the council may take such steps as may be *immediately* necessary and may call on the owner or occupier to complete the work of protection. The section is defective in providing for the *fencing* only of dangerous places and things and in containing no provision for the recovery of expenses incurred by the council. We have corrected these defects and have transferred the power to take *immediate* action to the chairman.

Section 184.—In view of the wideness of the definition of "owner", the amendment proposed in (Bill 1) section 80 seems unnecessary.

Section 185-*A*.—It has been represented that there ought to be some provision enabling the council to sell ruinous and dangerous buildings when no owners or occupiers can be found. A provision to this effect appeared in section 122 of Act III of 1871 and we think it should be inserted in the present Act; section 264 hardly meets the case.

Section 186.—The sub-section which (Bill 1) section 81 proposes to add is unnecessary by reason of our amended section 278.

Section 188.—As it stands, this section is wanting in clearness and is most defective in substance. We have added to the list of offensive and dangerous trades as suggested by Government and the Sanitary Commissioner and have made the following, among other, changes:—(*a*) the occupiers of bake-houses have been made liable on default by the owners; (*b*) all licenses are declared to endure till the end of the year unless otherwise ordered; (*c*) the effect of failure to pass orders on the Chairman's part is explained; (*d*) it is provided that notifications directing the licensing of offensive and dangerous trades shall be issued at least sixty days before the end of a year and (*e*) licenses must be applied for thirty days *before* the beginning of the year instead of thirty days *after*, as at present.

Section 190.—Instead of amending this as proposed in (Bill 1) section 83, we have declared the provisions of amended sections 95 and 96 to be applicable on default in the payment of fees levied for the use of cart-stands, &c. The amendment proposed in the original Bill does not give the requisite power to sell an article that has been seized. The newly added sub-section (3) is necessary for obvious reasons.

Section 191.—(Bill 1) section 84 is unnecessary; the Secretary has been instructed to modify the heading.

(Bill 1) section 85 seems to render (Bill 1) section 86 superfluous, but we prefer to modify section 191 of the Act in the same manner that section 346 of the City Act was amended by Act II of 1892; it will then be sufficiently clear that shops for the sale of meat and fish require licenses.

Section 193-*A*.—We think express power should be given to declare places to be markets, in order to prevent disputes as to whether any given place is a market or not. From the present definition of "Market" it would appear that such declarations are contemplated, but there is no express provision on the subject. Section 193-A now contains such a provision and also specifies the places which can be declared to be markets.

Section 194.—The first part of the present section has been omitted as unnecessary; the word "tolls" has been left out as misleading and the power of expulsion now vested in the Council has been transferred to the Chairman.

Section 196.—This has been so drafted as to cover section 198 which, therefore, goes out. The wording of both section 196 and section 198, as they stand, is very defective. It will be seen that the new section 196 is drawn on the lines of the revised section relating to offensive and dangerous trades.

Section 197.—As this section stands, it throws on the Council an impossible burden of proof. It would be hopeless to endeavour to prove that a seller in an unlicensed market knew that the market was an unlicensed one and we have, therefore, omitted the words "knowing that such license has not been granted." The effect will be that every stall-holder will be bound to satify himself that the owner of the market has a license, and this he can readily do, as all grants, refusals, suspensions, and cancellations of licenses are notified in a public manner. By means of an "Explanation" to section 197 we have got rid of section 199.

Section 200.—This has been modified on the lines of section 67 of Madras Act II of 1892 and we have made it clear that the section applies to private markets only this being obviously the intention.

Section 202.—An obvious defect has been supplied.

Section 204.—It has been represented that the system prescribed in this section is productive of delay and we have therefore provided that the Chairman, when he seizes goods, shall *produce* them before a Magistrate, instead of requiring him to formally *report* the case for the orders of the Magistrate. We have also made it clear that any Magistrate (except a Village Magistrate) may act under this section.

Section 205-*A*.—It has been suggested that power should be given to expel from markets persons suffering from loathsome diseases. We think the suggestion a reasonable one and that a similar power should be given in regard to persons creating a disturbance. No doubt the latter power exists at present, but it appears advisable to refer to the matter in express terms.

Section 209.—Adopting the amendment proposed in (Bill 1) section 87, we have thought it necessary to make more extensive alterations of section 209 than is therein proposed. It is under this section that private scavenging fees are now levied and we think it is somewhat out of place where it stands. We therefore restrict the application of section 209 to the building and repair of drains, privies, &c., and provide for private scavenging in our revised section 218, where, too, we empower the Council to fix fees for performance of the scavenging service. Fixed fees are levied at present, but section 209, as it stands, leaves the terms on which the service shall be rendered to the discretion of the Chairman and does not empower the Council to prescribe scales of fees.

Section 210.—Sub-section (1) is badly worded and we have revised it.

Section 212.—The amendment proposed in (Bill 1) section 88 is rendered unnecessary by sections 263 and 264.

Section 213.—When the Chairman contracts to build a drain the written permission of the Council will not be necessary, so section 213 has been made subject to section 209.

Sections 213-*A and* 213-*B*.—These have been inserted at the suggestion of the Sanitary Commissioner, but in a less drastic form than he proposed.

Section 214.—The wording has been amended and the reference to "cleansing" latrines has been omitted, as this subject is dealt with in subsequent sections.

Sections 216 *to* 221.—These have been entirely re-drafted and several changes made, as indicated below:—

(*a*) At present the Council is not required to provide depôts for the deposit of inoffensive rubbish; this omission has been supplied.

(*b*) Similarly, a reference has been made to the provision of vehicles for the removal of inoffensive rubbish and we have made it clearer that all vehicles and vessels for the removal of offensive matter must have covers.

(*c*) Allusion has been made to the removal of dead animals, but the special reference to "building, stable or garden rubbish" has been omitted as unnecessary; if such rubbish is inoffensive, the owner may deal with as he likes, if it is offensive, he is bound to get rid of it in twenty-four hours.

(*d*) By the word "rubbish" in section 221, offensive rubbish is doubtless indicated; but the word is misleading and it has been omitted.

(*e*) Clause (ii) of section 221 is vague. So far as it requires receptacles for offensive matter to be properly emptied, it seems to be covered by clause (i) and the provision requiring the disposal of filth "in the manner directed by the municipal council" is much too wide.

(*f*) Clause (iii) of section 221 is unnecessary, as section 214 (2), read with section 264, provides a penalty.

(*g*) The present sections 219 and 220 (1) have been amalgamated, and modified, on the analogy of section 310 of the City Act, to enable the council to provide receptacles on default by occupiers. We have also declared that the very poorest classes shall not be required to provide their own receptacles but shall receive them free.

(*h*) An endeavour has been made to render the exact extent of the present sections 219 and 220 clearer than it is at present. There are three methods of scavenging, viz., removal from the premises by private agency, removal from inside the premises by municipal agency and removal from inside by private, and from outside by municipal, agency. Of these, the first will be provided for in section 221, the second in section 218 and the third in section 217. We do not know to what extent notices under the present section 219 to provide receptacles have been issued, nor are we certain whether fees are ever levied now for the emptying of vessels placed in the vicinity of the street. Information on the subject is being collected in the Local and Municipal Department of the Secretariat. Meanwhile we are of opinion that the mere emptying of the night-soil receptacles placed near the street should be performed gratis; fees being performed gratis; fees being levied only when the actual cleansing of the latrines is performed by the municipal servants.

(*i*) By the insertion of the word "unoccupied" before "ground" in what is now clause (i) of section 219, we have removed the prohibition against manuring private land alongside a street.

(*j*) We think it would be a good thing to empower the Magistracy to compel persons who are found to keep their premises in a filthy state to accept the municipal service for a limited time. We have provided accordingly.

Section 222.—As remarked by the High Court (I.L.R., XV. Mad., 91) section 222 is awkwardly worded. We have endeavoured to make an improvement.

Section 225.—Unnecessary by reason of section 3 (11) of Madras Act III of 1889.

Section 225-A.—This is section 350 of the City Act, modified with reference to section 158 of the Panjáb Municipalities Act, 1891.

Section 227.—This is not so clear as it might be. We think it should be distinctly stated that the council *must* keep all wells, &c., which are not private property in good order and, as observed by the Sanitary Commissioner, the proviso should not be restricted in its application to wells.

Section 228.—The reference to the health *of the neighbourhood* is not wide enough. As it stands, the section seems to require that the unwholesomeness of a tank shall be proved before the council can order it to be cleansed. Such proof might be very difficult and we think that the word "to" must have dropped out before "prove". We have now inserted it.

Section 229.—Paper 68 points to the necessity for providing a penalty for a continuing offence against this section.

Section 229-*A*.—This is based on (Bill 1) section 91. The new section therein proposed is objectionable in that it required the *Magistrate* to convict if the *council* thinks that a nuisance has been committed; it has therefore been modified. We note that a similar objection applies to section 336 of the City Act.

Section 231.—Amended with reference to (Bill 1) section 92 and Paper 24. We have also omitted from sub-section (3) the words "owner or," as the occupier is plainly the person who should be held responsible.

Section 231-*A*.—The new section proposed in (Bill 1) section 93 renders it penal for any person to transfer to another a thing *which he knows to have been* exposed to infection. It covers, therefore, to all intents and purposes, the same ground as section 269, Indian Penal Code. But we think that something more stringent is needed. If ignorance as to the infectiousness of a disease can be pleaded in defence, the new section will be practically inoperative and we therefore propose to render it penal to transfer any article which *has been* exposed to infection.

(Bill 1) section 93 we accept.

Section 232.—At the suggestion of the Sanitary Commissioner, we have rendered it binding on the Chairman to notify places for washing and disinfecting infected clothing. Also, in order to bring the section into line with amended section 278, the Chairman has been required to compensate, on demand, for clothing destroyed under his orders; at present he can grant or refuse compensation at discretion.

(Bill 1) section 94 has been adopted with a trifling alteration.

Sections 233-*A*, 233-*B and* 233-*C*.—Added as proposed in (Bill 1) section 95.

Section 234.—The provision of burial and burning grounds is plainly necessary in every municipality; we have therefore altered "may provide" into "shall provide."

Section 248-*A*.—The insertion in the Birth Registers of children's names will be of use in tracing entries and for purposes of identification.

Section 249.—The amendment of sub-section (1) was made at the suggestion of Government (Paper 36). Sub-section (4) has been altered to make its intention clearer. Sub-section (5) has been added on a representation that it would be useful if entries in the Birth and Death Registers were susceptible of proof by certified copies.

Section 250.—A few additions have been made to the list of matters in respect of which Government may make rules. A provision has been added to empower officers conducting enquiries on petitions relating to elections to summon witnesses. Doubts have been expressed whether Revenue officers conducting such enquiries possess such power at present.

Sections 252, 254, 255 *and* 256.—Amended as proposed in (Bill 1) sections 96, 97, 98 and 99. The General Clauses Act renders sub-section (5) of section 255 unnecessary.

It has been suggested by Government (Paper 77) that sections 255 and 256 should be amended in view to greater clearness. But we think that no alteration is really necessary. It seems plain that, if by-laws are submitted for sanction to Government and amendments are deemed expedient, the proper course to take is to return the by-laws to the council for alteration and re-publication and re-submission to Government.

Section 260.—The words "incorporated or registered" go out by reason of the definition of the word "Company." We do not think that it is the intention that Directors of Companies should be given the benefit of the proviso to the section; if not, the point should be made clear.

Section 261.—The protection afforded to the council and its officers (*i.e.*, servants) by this section should be extended to individual councillors including the Chairman. A more important question arises as to the scope of the section. In this connection we invite attention to Paper 70 and the cases reported in I.L.R., XVI. Mad., 296, 317 and 474. It will be seen that the section has been held to prescribe a period of limitation in regard to suits for compensation or damages only. We think this interpretation reasonable and propose to amend sub-section (3) so as to make its intention unmistakeable.

Another defect in the section is that it makes no mention of suits brought by reason of a default on the part of the council; this has now been remedied.

The section has also been re-arranged for clearness' sake and a sub-section to protect the Chairman against suits has been added. Now that the powers and duties of the Chairman have been distinctly defined, it is necessary to declare explicitly that, not he, but the council, shall be responsible for acts done by him in good faith.

Section 262.—Sub-section (1), as it stands, seems to relate to taxes only; we think it should be made clear that it prevents the impeachment on technical grounds of *any* assessment, demand or charge. Sub-section (2), besides being verbose, is somewhat indefinite; it is not clear, for instance, whether it bars actions in respect of penalties imposed under the Act. We have endeavoured to make it clear that it does.

Section 263.—We agree with the Honourable the Advocate-General's opinion recorded in Paper 68 that the council has power to take action under sub-section (2) whether a penalty has been expressly provided in the Act or not; but as doubts have been entertained, we have amended the section.

Section 264.—We accept the amendment proposed in (Bill 1) section 100, but further alterations are requisite. As it stands, the section suggests that the council may not cause a work to be executed and recover the expenses, if any special penalty is provided for failure to execute such work. But we do not think that this distinction between section 264 and its immediate predecessor was intentional. We have therefore re-drawn both sections on the same lines. It has also been made clear that only *reasonable* expenses can be recovered by the council. Also the special provisions of sections 213-A and 217 have been saved.

Section 264-*A*.—The principle of (Bill 1) section 101 has been accepted, but the reference to by-laws has been omitted, as the by-laws should contain their own penalties.

Section 265.—This section has given us considerable trouble. It seems to imply that, when the council has taken action under section 264, it may, not only recover the whole expense from the owner direct, but, also, recover the same out of the rent payable by the occupier. But this cannot be the intention and the words "by way of additional remedy" should go out. No useful purpose is served by the last sentence of sub-section (2). In no case ought more than the amount of the rent to be demanded from the occupier and the proper way to ensure his giving correct information as to the rent payable by him is to declare that he is bound to supply such information on demand; if he fails to do so, he will be punishable under section 283.

We think that our revised draft of section 265 interprets correctly the meaning of the present law.

Section 266-*A*.—This represents sub-section (2) of section 272 of the present Act with some alterations which will be explained later on.

35

Sections 269 *and* 269-*A*.—We have re-drawn this, incorporating with it the amendment proposed in (Bill 1) section 102.

The main changes made are—

(*a*) The Chairman having now specific duties assigned to him, a reference to expenses incurred by him is necessary.

(*b*) It seems expedient to declare that the council cannot recover under this section rents due under lease of municipal property.

(*c*) The term "by-law" should be clearly explained; otherwise a claim might be put forward to collect under this section school-fees, for example, due under rules framed under section 250.

(*d*) The reference to "renters, farmers and other assigns" should be omitted. We cannot believe that the legislature intended that the farmer of a market, for example, should have power to distrain for stall-fees. Indeed, as the *Chairman* is the distraining authority in the case of over-due taxes, it would involve a contradiction to interpret section 269 as conferring powers of distraint on private persons.

(*e*) We think it expedient to comply with a suggestion which has been made and to bar the recovery of taxes after a given period. This will stimulate councils to take speedy action and will prevent the harassing of people for old debts.

Section 270.—Suits for recovery of sums credited to the council under this section should be explicitly barred.

Section 271.—The amendment of sub-section (4) meets such cases as that of section 69-D, where the period of fifteen days runs, not from date of service of the order, but from the date of the order. There may be similar instances in other parts of the Act.

Section 272.—There is, at present, nothing to show whether the owner or the occupier is responsible for the performance of a duty which is laid upon the "owner or occupier". This is a serious defect and we propose to throw the obligation on the occupier only when the owner cannot be found or is not resident within the municipality. This is the course adopted in sub-section (1) of the present section in regard to the service of notices, &c., and it seems a reasonable one. We have carefully scrutinized the rest of the Act with reference to our new provision regarding the onus of responsibility and have substituted "owner" for "occupier" and *vice versâ* where it seemed necessary to do so. We have also converted sub-section (2) of the present section 272 into a new section, numbered it as 266-A and altered it considerably for the following reason. As the sub-section stands, it seems to mean that, when a duty is thrown on the "owner or occupier" and the occupier performs it, he may recover the cost from the owner. But if, in the absence of the owner, the occupier can be prosecuted for a default, it stands to reason that he should not have power to recover from the owner expenses incurred in carrying out a work for the performance of which, in consequence of the owner's absence, he himself was responsible. In every case, where the responsibility of the occupier arises, it should be absolute.

On the whole we are inclined to think that the present sub-section (2) of section 272 is intended to cover only those cases where the occupier pays *on behalf of* the owner and that the words "recovered from" are loosely used for "paid by".

In re-drafting the sub-section, we have proceeded on this, which seems the only reasonable, view.

Sections 274, 275 *and* 276.—Some obviously necessary amendments have been made.

Section 277.—The proposed extension of clause (i) is necessary to afford protection to the Chairman and the Ward Councillors who are appointed under section 38 (iv).

Section 280.—We do not understand the exact bearing of the present section 280, but we think it highly expedient that it should be so amended as to prevent private individuals launching prosecutions under the Act. We therefore propose to confine the power of initiation to the police, the council, the Chairman and persons authorized by the council or Chairman, leaving, however, the powers of Magistrates to take up cases on information or suspicion unaffected. We agree with (Bill 1) section 103 that power to prosecute should be expressly vested in the Chairman but we think that, in the initiation of proceedings, he should be free from control by the council. As the Chairman is largely responsible for the working of the Act, it seems reasonable that he should not be liable to frustration in his endeavours to give effect to its provisions. Provision has been made to enable Sanitary Inspectors and similar Municipal servants to prosecute; this seems necessary.

Section 281.—Verbal defects have been removed and the last four words have been omitted as unnecessary in view of amended sub-section (3) of section 286.

Section 282-*A*.—This section is based on section 203 of the Panjáb Municipalities Act, 1891. It has been represented by several of the petitioners that a strike by scavengers might have most dangerous consequences and that preventive legislation is imperative. We fully concur. It has not, however, been deemed necessary to follow the Panjáb Act in empowering Government to place other Municipal servants in the same position as scavengers in regard to resignation of office.

Section 285.—This may be omitted and with it goes (Bill 1) section 104.

Section 286.—Some alterations of a verbal character have been made.

Section 287.—The General Clauses Act renders this unnecessary.

Schedule A.—After considerable discussion we have resolved to adopt the following principles:—

(*a*) the Arts tax shall be confined, as at present, to certain occupations;

(*b*) it shall be roughly graduated with reference to income;

(*c*) in respect of certain classes of occupations, however, the lowest rates prescribed in the schedule shall not be applicable.

We are all agreed that the present schedule causes a good deal of hardship by reason of its inelasticity and the only way of removing this defect seems to be the adoption of a system of classification with general reference to income as the minimum standard of assessment in each class.

But we fear that mere gradation with reference to income would result in a considerable loss of revenue and we have decided to exclude from the lowest classes what we may call the more dignified and, generally speaking, more lucrative employments. This is, of course, the principle upon which the present schedule is based, but we have rendered its operation much less harsh and inequitable by greatly reducing the minimum tax now payable in respect of the more dignified appointments. For example, the minimum tax on a vakil at present is Rs. 12 *per annum*; under the revised schedule the minimum is Rs. 4. It would, no doubt, be more logical to treat all occupations in exactly the same way, that is to say, to graduate them from the first to the last class; but we are not prepared to recommend a large surrender of revenue for the purpose of securing uniformity of classification. It should be added that we have deemed it expedient to revise the rates fixed by the present schedule; the most important changes in this respect are the formation of a new class containing companies with a capital of five lakhs and upwards and a general increase in the taxes on persons in receipt of fixed salaries.

Schedule B.—We have made it quite clear that the payment of a tax on a vehicle with springs does not clear the animals used to draw it. Doubts have occasionally arisen as to this point. We have specified bicycles and tricycles in the schedule to avoid misapprehension and have raised the rates of tax in certain cases where they seem too low.

Schedule C.—This has been revised to correspond with schedule B.

Schedule D.—Instead of adopting (Bill 1) section 106, we have inserted an "*Explanation*" to show that tolls are levied irrespective of the means of traction employed and that they cover animals drawing a vehicle as well as the vehicle. The "*Explanation*" renders the words "drawn by &c." in the second and third items unnecessary.

Difficulties have been caused, we understand, by the provision of different rates for horses laden or ridden and for horses not laden or ridden. We are not sure whether the Statement of Objects and Reasons is correct in the remark that the intention of the Legislature was to free from toll all unladen and unridden horses below thirteen hands in height and we do not think that sufficient reason for their exemption has been shown. We have not, therefore, accepted (Bill 1) section 107 and we propose, instead, to abolish the distinction between laden or ridden and unladen or unridden horses and to levy only two rates on horses, the higher on those of thirteen hands and upwards and the lower on those below thirteen hands.

Schedules E and F.—As indicated in (Bill 1) section 108, schedule E is incorrect. The defects noticed in the original Bill and certain other defects in this schedule and in schedule F have been rectified by us.

We observe that certain portions of the revised Bill require the sanction of Government of India or the Governor-General before they are proceeded with and we have instructed the Secretary to take, with the sanction of Government, the necessary steps to procure this sanction.

In conclusion, we have the honour to recommend that the Bill, as now amended by us, be passed into law.

(Signed) J. F. PRICE.
(„) H. W. BLISS.
(„) E. GIBSON.
(„) J. H. SPRING BRANSON.
(„) N. SUBBA RAO.
(„) R. RAMASUBBAIYAR.
(„) A. SABHAPATI MUDALIYAR.

MADRAS,
21*st March* 1895.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the Bill to amend Act IV of 1884 (*The Madras District Municipalities Act*).

—20-6-91.

Legve DEPARTMENT

No.

From 37

Dated 189 ,

FOR ORDERS.

Local & Municipal transfer to Legislative the replies received from the Chairmen of 11 of the larger Municipalities to the question whether private scavenging fees are now levied for the emptying of vessels placed in the vicinity of the street. The circular was sent out with reference to the remark (in clause (h) - sections 216-22) at p 14 of the Select Committee's report. — In amending the act, the Committee proceeded on the assumption that fees should not be levied in such cases. Of the 11 municipalities consulted 10 reply that fees are only levied when the scavenger actually enters the house & cleans out the latrine while the eleventh Rajahmundry reports that the same fee is levied for the removal of the contents of vessels put outside houses.

The Select Committee was thus right in its idea ~~that~~ as to the general practice. — Instead of printing all these papers & communicating them to the Legislative Council, it will perhaps suffice to ~~pass a pro~~ pass the following order. — 25th May 1895. No. 43.

P.S. ~~The Legislative Council~~ ~~informed~~ [illegible] ~~[illegible]~~ in the Local & Municipal Dept.

Read the following:—

Print at the head the extract from the Select Committee's report on the Bill to amend Act IV of 1884 (the District Municipalities Act) [R. E. clause (h) at page 14 [illegible] sent.]

with ~~ref ce to~~ [illegible] of the S C's Report

From the reports received in

Private Scavenging

existing practice is to levy private
ing fees only in cases where the
er actually enter the house
clean out the latrine attached to it.
the exception to charge fees for the
oval of night-soil from vessels
ced in the vicinity of the street

Sd. [illegible]
23/5/95

For HC

I think that it would be enough to pass this order and communicate a copy of it to the members of the Leg Council

C.S.

as Hon'ble Member in charge of the Bill also.

App. [illegible] printer [illegible] CS [illegible] Bill [illegible]

D

[illegible]

4/7

25th May 1895, No. 43, Legislative.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

Read—the following :—

Extract from the Select Committee's report on the Bill to amend Act IV of 1884 (The District Municipalities Act).

Sections 216 to 221—(h) An endeavour has been made to render the exact extent of the present sections 219 and 220 clearer than it is at present. There are three methods of scavenging, viz., removal from the premises by private agency, removal from inside the premises by municipal agency and removal from inside by private, and from outside by municipal, agency. Of these, the first will be provided for in section 221, the second in section 218 and the third in section 217. We do not know to what extent notices under the present section 219 to provide receptacles have been issued, nor are we certain whether fees are ever levied now for the emptying of vessels placed in the vicinity of the street. Information on the subject is being collected in the Local and Municipal Department of the Secretariat. Meanwhile we are of opinion that the mere emptying of the night-soil receptacles placed near the street should be performed gratis, fees being levied only when the actual cleansing of the latrines is performed by the municipal servants.

Order—dated 25th May 1895, No. 43, Legislative.

From the reports received in the Local and Municipal Department, it appears that the existing practice ordinarily is to levy private scavenging fees only in cases where the scavenger actually enters the house and cleans out the latrine attached to it. It is the exception to charge fees for the removal of night-soil from vessels placed in the vicinity of the street.

(True Extract.)

L. DAVIDSON,
Ag. Under Secy. to Govt.

To the Hon'ble Members of the Legislative Council.
„ Local and Municipal Department.

Exd. C. A. Munisawmi.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

PAPERS

(No. 39.)

RELATIVE TO

A Bill to amend Act IV of 1884 (*The Madras District Municipalities Act*).

25TH MAY 1895, No. 43, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

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„ Local and Municipal Department.

Exd. C. A. Munisawmi.

Govt. of {1895} Madras.

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Recd.

G.O., 25th May 1895, No. 43.

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Bill to amend Act IV of 1884 (The Madras District Municipalities Act).

Furnishing to the Legislative Council, the information received from the Local and Municipal Department that no private scavenging fees are charged for the removal of night-soil from vessels placed in the vicinity of the street.

Next Paper, No.

[illegible]

Previous Papers, No.

References.

[illegible]

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Precedents [illegible]

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Papers
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(No 9)
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