





# BACK PAPERS.

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# FURTHER PAPERS.

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Legislative Department

R No. 26.



Fort St. George.  
8<sup>th</sup> March 1897.

From

G. I. Forbes Esq.

Secretary to the Madras  
Legislative Council.

To

The Private Secretary to His Excellency  
the Governor

Sir,

I have the honour to forward  
copy of the Act specified in the margin

An act to amend Madras which was passed by  
Act IV of 1884 (The Madras the Madras Council  
District Municipalities Act, 1884) for making Laws

and Regulations on the 9<sup>th</sup> ultimo and  
to request that you will be good  
enough to submit it to His Excellency  
the Governor for his assent in accordance  
with Rule No. 53 of the Council Rules

I have the honour to be

Sir,

Your most obedient servant

*G. I. Forbes*  
Secretary to the Legislative  
Council.



*An Act to amend Madras Act IV of 1884 (The Madras District Municipalities Act, 1884.)*

WHEREAS it is expedient to amend the Madras District Municipalities Act, 1884; Preamble.  
It is hereby enacted as follows:—

1. This Act may be called the Madras District Municipalities Act Amendment Act, 1897, and it shall come into force on such date as the Governor in Council may, by notification, direct. Title and commencement.

2. Unless there be something repugnant in the subject or context the sections declared to be amended by this Act are those of the Madras District Municipalities Act, 1884. Sections amended those of Madras Act IV of 1884.

3. (1) Section 2, section 6, section 7, section 22, section 25, the proviso to section 39, the proviso to section 50, section 57, sub-section (3) of section 65, section 67, section 70, section 71, section 74, section 76, section 87, section 112, section 123, section 139, section 198, section 199, section 225, sub-section (5) of section 255, section 285, and section 287 are hereby repealed. Repeal of certain sections.

(2) The words "at a meeting" shall be omitted from every section of the Act where they occur, except from section 30. Omission of the words "at a meeting" from certain sections.

(3) For the words "official year," wherever they occur, shall be substituted the words "financial year". Substitution of "financial year" for "official year" throughout the Act.

4. In sub-section (2) of section 1, the figures "1884" shall be substituted for the figures "1878." Amendment of section 1.

5. For section 3, shall be substituted the following section:—

"3. In this Act, unless there is something repugnant in the subject or context:— New section substituted for section 3.

"(i) 'Building' includes walls, and, also, houses, huts, sheds, roofed enclosures and constructions appurtenant thereto, whether used for the purpose of human habitation or otherwise.

"(ii) 'Company' means a company registered under the Indian Companies Act, 1882, or under the Acts of Parliament known under the collective title of the Companies Acts, or incorporated by an Act of Parliament or of the Governor-General in Council, or by Royal Charter or Letters Patent.

"(iii) Words importing the masculine gender shall be taken to include females.

"(iv) 'Guardian' means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority.

"(v) 'Hack-stable' means any place where a horse is ordinarily kept for hire.

"(vi) 'Horse' includes pony and mule.

"(vii) 'Inhabitant' means any person who shall have been ordinarily residing in any Municipality for a period of six months or upwards.

"(viii) 'Inoculation' means any operation performed with the object of producing the disease of small-pox by means of variolous matter.



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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Latrine.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | "(ix) 'Latrine' includes privy.                                                            |
| 'Magistrate.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | "(x) 'Magistrate' means a Magistrate appointed under the Code of Criminal Procedure, 1882. |
| "(xi) 'Market' means any place which is a market at the passing of this Act, or which may have been declared under section 193-A to be a market.                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                            |
| 'Market.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                            |
| "(xii) 'Public market' means any market belonging to the Municipal Council or constructed, repaired or maintained out of the Municipal fund.                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                            |
| 'Public market.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                            |
| "(xiii) 'Private market' means any other market.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                            |
| 'Private market.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                            |
| "(xiv) 'Municipality' means any town, village, hamlet, suburb, bazaar, station or other local area, or any number of the same, which may be declared to be a Municipality in the manner hereinafter provided.                                                                                                                                                                                                                                                                                                                                    |                                                                                            |
| 'Municipality.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                            |
| "(xv) 'The Municipal Council' means the body of persons constituted under this Act for each Municipality.                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                            |
| 'Municipal Council.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                            |
| "(xvi) 'Notice' means a written, printed or lithographed notice.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                            |
| 'Notice.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                            |
| "(xvii) 'Nuisance' means any act, omission or thing causing or likely to cause any common injury, annoyance, offence, harm, danger, or damage to the sense of sight, smell or hearing of, or which is, or is likely to be, dangerous or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right.                                                                                                                        |                                                                                            |
| 'Nuisance.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                            |
| "(xviii) Words in the singular shall include the plural and <i>vice versa</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                            |
| 'Number.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                            |
| "(xix) 'Owner' includes the person for the time being receiving or entitled to receive the rent or profits of the property or in charge of the animal or thing in connection with which the word is used, whether on his own account or as agent or trustee for another person.                                                                                                                                                                                                                                                                  |                                                                                            |
| 'Owner.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                            |
| "(xx) 'Palanquin' includes tonjons, manchils and chairs carried by men by means of poles, but not slings or cots used for the conveyance of children or aged or sick people.                                                                                                                                                                                                                                                                                                                                                                     |                                                                                            |
| 'Palanquin.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                            |
| "(xxi) 'Parent' means the father of a legitimate child and the mother of an illegitimate child.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                            |
| 'Parent.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                            |
| "(xxii) 'Person' shall include any company or association, or body of individuals, whether incorporated or not.                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                            |
| 'Person.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                            |
| "(xxiii) 'Salary' means pay and acting pay, or payment by way of commission, but not allowances for house-rent, carriage hire, or travelling expenses.                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                            |
| 'Salary.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                            |
| "(xxiv) 'Scavenger' means a person employed in collecting or removing night-soil, in cleansing drains or slaughter-houses, or in driving carts used for the removal of night-soil.                                                                                                                                                                                                                                                                                                                                                               |                                                                                            |
| 'Scavenger.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                            |
| "(xxv) 'Schedule' means a schedule to this Act. The schedules shall be read as part of this Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                            |
| 'Schedule.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                            |
| "(xxvi) 'Section' means a section of this Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                            |
| 'Section.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                            |
| "(xxvii) 'Street' includes any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public has a right of way, together with the drains on either side and with the land, whether covered or not by any pavement, verandah or other erection, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property be private property or property reserved by Government for other purposes; and also includes the roadway over any public bridge or causeway. |                                                                                            |
| 'Street.'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                            |

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| "(xxviii) 'Public street' means any street which is now vested in the Municipal Council, or which may hereafter be made at the cost of the Municipal Fund, or which may hereafter be declared under section 163 to be a public street.                                                             |  |
| 'Public street.'                                                                                                                                                                                                                                                                                   |  |
| "(xxix) 'Unprotected child' means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation or by having been successfully vaccinated, and who has not been certified in the manner hereinafter provided to be insusceptible of vaccination. |  |
| 'Unprotected child.'                                                                                                                                                                                                                                                                               |  |
| "(xxx) 'Vaccinator' means a public or private vaccinator.                                                                                                                                                                                                                                          |  |
| 'Vaccinator.'                                                                                                                                                                                                                                                                                      |  |
| "(xxxi) 'Public vaccinator' means any vaccinator employed under this Act by a Municipal Council.                                                                                                                                                                                                   |  |
| 'Public vaccinator.'                                                                                                                                                                                                                                                                               |  |
| "(xxxii) 'Private vaccinator' means any person licensed by the Governor in Council to perform the operation of vaccination.                                                                                                                                                                        |  |
| 'Private vaccinator.'                                                                                                                                                                                                                                                                              |  |
| "(xxxiii) 'Water-course' includes any river, stream or channel, whether natural or artificial.                                                                                                                                                                                                     |  |
| 'Water-course.'                                                                                                                                                                                                                                                                                    |  |
| "(xxxiv) 'Public water-courses, springs, wells and tanks' include those used by the public to such an extent as to give it a prescriptive right to such use."                                                                                                                                      |  |
| 'Public water-courses, etc.'                                                                                                                                                                                                                                                                       |  |

6. For sub-section (1) of section 4, shall be substituted the following section :—

"4. (1) The Governor in Council may, by notification, declare his intention to constitute as a Municipality any town, village, hamlet, bazaar, station or other local area or any group of the same in the immediate neighbourhood of one another."

"(2) Every such notification shall define the limits of the local area to which it relates."

"(3) Any inhabitant of a local area in respect of which a notification has been published under sub-section (1) may, if he desires to object to anything therein contained, submit his objection in writing to the Governor in Council within six weeks from the publication of the notification and the Governor in Council shall take all such objections into consideration."

"(4) When six weeks from the date of the publication have expired and the Governor in Council has considered and passed orders on such objections as may have been submitted to him, the Governor in Council may, by notification, declare the local area or any portion of it to be a Municipality."

7. For sub-section (2) of section 4, shall be substituted the two following sections :—

"4-A. (1) The Governor in Council may, by notification, declare his intention—

- (a) to exclude from a Municipality any local area comprised therein, and defined in such notification; or
- (b) to include within a Municipality any local area in the vicinity of the same and defined in the notification.

"(2) Any rate-payer of a Municipality or inhabitant of a local area in respect of which a notification has been published under sub-section (1) may, should he object to the alteration proposed, submit his objection in writing to the Governor in Council within six weeks from the publication of the notification and the Governor in Council shall take such objection into consideration."

"(3) When six weeks from the publication of the notification have expired and the Governor in Council has considered the objections, if any, which have been submitted under sub-section (2), the Governor in Council may, by notification, exclude the local area or any portion of it from the Municipality or include the whole or any portion of it therein as the case may be."

New section substituted for sub-section (1) of section 4.

Notification of intention to extend Act.

Notification to define area.

Inhabitants may submit objections.

Extension of Act.

New sections substituted for sub-section (2) of section 4.

Notification of intention to alter limits of Municipality.

Rate-payers and inhabitants may submit objections.

Notification altering limits.

Cf. Section 4 of Act XX of 1891 (Punjab).  
Cf. Sections 3 and 4 of Act XV of 1883 (North-Western Provinces and Oudh); and of Act XVII of 1884 (Burma).  
Cf. Sections 4 and 5 of Act XVIII of 1889 (Central Provinces).

Cf. Sections 194 and 195 of Act XX of 1891 (Punjab).  
Cf. Sections 72 and 73 of Act XV of 1883 (North-Western Provinces and Oudh).  
Cf. Sections 154 and 155 of Act XVI of 1884 (Burma).  
Cf. Sections 134 and 135 of Act XVIII of 1889 (Central Provinces).



"4-B. (1) The Governor in Council may, by an order in writing published together with a statement of his reasons for making the same,—

- (a) modify or cancel any notification issued under sub-section (4) of section 4 and dissolve the Municipal Council, or

*Cf. Section 200 of Act XX of 1891 (Punjab).  
Cf. Section 79 of Act XV of 1883 (North-Western Provinces and Oudh).  
Cf. Section 146 of Act XVIII of 1889 (Central Provinces).*

- (b) supersede for a specified period any Municipal Council which in his opinion is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers.

*Cf. Section 182 of Act XX of 1891 (Punjab).  
Cf. Section 63 of Act XV of 1883 (North-Western Provinces and Oudh).  
Cf. Section 137 of Act of XVII of 1884 (Burma).  
Cf. Section 128 of Act XVIII of 1889 (Central Provinces).*

"Provided that no such orders shall be passed without previously intimating to the Municipal Council the grounds upon which the proposal is based and considering the explanations and objections, if any, of the Municipal Council.

Consequences of the dissolution of a Municipal Council.

"(2) Upon the dissolution of a Municipal Council under clause (a) of sub-section (1) the Governor in Council may pass such orders as he may deem fit as to the disposal of the property theretofore vested in such Municipal Council.

Consequences of the supersession of a Municipal Council.

"(3) (a) Upon the supersession of a Municipal Council under clause (b) of sub-section (1) the following consequences shall ensue:—

- (i) All the members of the Municipal Council shall forthwith vacate their offices as such.
- (ii) All the powers and duties of the Council shall during the period of supersession be exercised and performed by such person or persons as the Governor in Council appoints in that behalf.
- (iii) All property vested in the Council shall, during the period of supersession, vest in the Governor in Council.

"(b) On the expiry of the specified period of supersession, the Municipal Council shall be reconstituted and the members who vacated their offices in consequence of the supersession shall not be deemed disqualified for re-election or re-appointment as such."

New section substituted for section 5.

8. For section 5 shall be substituted the following section:—

Commencement and cessation of Act.

"5. This Act shall come into force in, or cease to apply to, any Municipality or part of a Municipality as the case may be, on such date as may be specified in the notification mentioned in sub-section (4) of section 4, or sub-section (3) of section 4-A, or clause (a) of sub-section (1) of section 4-B.

Amendment of section 8.

9. In section 8 the words "and of not more than twenty-four" shall be inserted between the words "twelve" and "persons."

New section substituted for section 10.

10. For section 10, shall be substituted the following section:—

Appointment of other Municipal Councillors.

"10. Subject to the conditions contained in section 10-A and to such rules and other conditions as may be prescribed by the Governor in Council, the other Municipal Councillors shall be partly appointed by the Governor in Council and partly appointed by election by the tax-payers and inhabitants of the Municipality or of a part thereof.

Provided that for a period not exceeding three years from the date of the constitution of a Municipality all such Municipal Councillors may be appointed by the Governor in Council."

11. After section 10, the two following sections shall be inserted:—

*Cf. Section 7 of Madras Act I of 1884.*

"10-A. (1) In order to be qualified to be appointed a Municipal Councillor, a person must—

- (a) be of the male sex;
- (b) have completed his twenty-fifth year;
- (c) be resident within the Municipality or within two miles of the limits thereof;
- (d) not be a Municipal Councillor or an officer or servant holding office under this Act or an Honorary Magistrate for the Municipal town unless in the case of his being an Honorary Magistrate the Governor in Council exempts him from the disqualification;
- (e) not have been convicted of any such offence or subjected by a Criminal Court to any such order as implies, in the opinion of the Governor in Council, a defect of character which unfits him to be a Municipal Councillor;
- (f) not be an uncertificated bankrupt or undischarged insolvent;
- (g) not be a person interested, otherwise than as a shareholder in a Joint Stock Company, in any contract made with, or work done for, the Municipal Council.

"(2) No person is qualified to be appointed a Municipal Councillor if any of his servants or any person in whose service he is employed is a member of the Municipal Council.

*Cf. Section 18 of Madras Act I of 1884.*

"10-B. (1) Whoever, being qualified to vote at any election under this Act or claiming to be so qualified, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification whatever, as a motive or reward for giving, or forbearing to give, his vote in any such election, shall be liable to a fine not exceeding one hundred rupees for every such offence.

Penalties for corrupt practices at Municipal elections.

"(2) Whoever, by any gift or reward, or by any promise or agreement or security for any gift or reward, corrupts or procures, or offers to corrupt or procure, any person to give, or forbear to give, his vote in any election under this Act, shall be liable to a fine not exceeding two hundred rupees for every such offence.

"(3) Every person convicted under either of the preceding sub-sections shall for a term of seven years be disqualified from voting at any such election and from being elected a Municipal Councillor."

12. For the first paragraph of section 11 the following shall be substituted:—

"Notwithstanding anything contained in clause (e) of sub-section (1) of section 10-A, any person holding a salaried office under Government may be appointed by the Governor in Council to be a Municipal Councillor."

Substitution of a new paragraph for paragraph 1 of section 11.

13. (i) Sections 12 and 13 shall be renumbered as sections 13 and 12 respectively.

Renumbering of sections 12 and 13 and amendment of section 13.

(ii) In section 12 as so renumbered for the figures and word "(iii) and" shall be substituted the word and figures "and (iii)", and for the proviso to this section shall be substituted the following: "Provided that the Governor in Council may, by notification accompanied by a statement of his reasons for making the same, cancel or modify such declaration; but no such notification cancelling or modifying a declaration made under clauses (ii) and (iii) of this section shall be issued without previous intimation to the Municipal Council of the intention of the Governor in Council to issue such notification and of the grounds thereof or without the consideration by the Governor in Council of the explanations and objections, if any, of the Municipal Council or the Chairman; and no such cancellation or modification shall come into force until three months after the same shall have been notified."



New section substituted for section 14.  
Governor in Council to appoint Chairman or to authorize his election.

14. For section 14, shall be substituted the following section:—

"14. (1) The Governor in Council may either—

- (a) himself appoint some person to be the Chairman of the Municipal Council, or,
- (b) direct the Municipal Councillors to appoint their Chairman by election subject to his approval and in accordance with such rules and conditions as he may prescribe.

"Provided that:

- (i) Unless specially exempted by the Governor in Council every person so appointed must be qualified to be a Municipal Councillor under section 10-A;

- (ii) When the Chairman appointed is not a Municipal Councillor, he shall, during his tenure of office as Chairman, which shall be for a term of two years, be *ex-officio* a Municipal Councillor irrespective of the strength fixed for the Council under section 12 and shall not be reckoned in calculating the proportions of the number of Municipal Councillors under sections 11 and 13.

Cf. Section 24 of Bengal Act III of 1884.

Procedure in case Municipal Council fail to make any or a suitable election.

Election of a Vice-Chairman.

"(2) If the Governor in Council has directed the Municipal Councillors to appoint their Chairman by election and the Municipal Councillors fail to make an appointment within two months from the receipt of such direction, or if the Municipal Councillors make on two successive occasions a nomination which does not meet with his approval, the Governor in Council shall himself appoint a Chairman.

"(3) The Municipal Council may, with the previous sanction of, and in such manner as may be prescribed by, the Governor in Council, elect one of their number to be Vice-Chairman."

Cf. Section 15 (2) of Act XX of 1891 (Punjab).  
Section 9 of Act XVIII of 1889 (Central Provinces).  
Section 25 of Bengal Act III of 1884.

15. For section 15, shall be substituted the following section:—

"15. (1) In any Municipality where the office of Chairman becomes vacant, the Vice-Chairman, or if there is no Vice-Chairman, the Revenue officer in charge of the division of the district wherein such Municipality is situated, shall assume charge of the office of Chairman and shall discharge the duties of the same until a Chairman is duly appointed.

"(2) In the temporary absence from a Municipality of the Chairman, his duties and powers shall devolve upon the Vice-Chairman, if any."

New section substituted for section 15.  
Vice-Chairman or Revenue Divisional Officer to assume charge of the office of Chairman when vacant.  
Vice-Chairman to perform duties and have powers of Chairman during his temporary absence.

New section substituted for section 16.  
Chairman alone may receive remuneration.

16. For section 16, shall be substituted the following section:—

"16. (1) No Municipal Councillor, other than the Chairman, shall receive any salary or other remuneration from the municipal fund; and no Chairman shall receive any such salary or remuneration unless the payment thereof shall have been sanctioned by the Municipal Council with the approval of the Governor in Council.

"(2) Where such salary is attached to the office of the Chairman, the Municipal Council shall be entitled to nominate such Chairman for the approval of the Governor in Council in accordance with such rules and conditions as may be prescribed by the Governor in Council.

Municipal Council to nominate a paid Chairman.

Proviso.

"Provided that it shall be lawful for the Governor in Council himself to appoint such Chairman if the Municipal Council fail to make a nomination within two months from the receipt of an order from the Governor in Council directing them to nominate a Chairman or, if the Municipal Council make, on two successive occasions, a nomination which does not meet with the approval of the Governor in Council."

17. (1) For sub-section (1) of section 17, shall be substituted the following sub-section:—

New sub-section substituted for sub-section (1) of section 17.

"(1) Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor shall continue in office for three years from the date of the *Fort St. George Gazette* wherein his appointment was notified under section 21-A and he shall then cease to be a Municipal Councillor; and any Municipal Councillor appointed to be Chairman or Vice-Chairman shall be deemed to have vacated such office on the expiry of the term for which he was originally appointed Municipal Councillor or on his otherwise ceasing to be a Municipal Councillor or, in the case of a Chairman, upon the cancellation of a declaration made under section 12 (iii) in respect of the appointment of the Chairman.

Term of office of Municipal Councillor.

"Provided that on one occasion only after the passing of the 'Madras District Municipalities Act Amendment Act, 1897,' the Governor in Council may by notification prescribe a date upon which all Municipal Councillors appointed by election prior to such date shall vacate office."

"(2) In sub-section (2) of the same section after the word "Chairman" shall be added the word "Vice-Chairman."

Amendment of sub-section (2) of section 17.  
Amendment of section 18.

18. (1) In sub-section (1) of section 18 after the word "Chairman" shall be inserted the word "Vice-Chairman."

(2) In sub-section (2) of the same section the words "permanently or temporarily" shall be inserted between the words "transferred" and "from," and the words "or on quitting the district or division with the intention of remaining absent therefrom for more than three months" shall be inserted after the word "situated."

19. (1) For the first fourteen words of sub-section (1) of section 19, shall be substituted the words "The Governor in Council may, by notification, remove any Chairman, Vice-Chairman, or Municipal Councillor, other than an *ex-officio* Chairman or Municipal Councillor."

Amendment of section 19.

(2) In the same sub-section, the following clause shall be inserted as clause (i):—

"(i) on the ground that, at the time of his appointment, he was not qualified under section 10-A to be appointed a Municipal Councillor;" and the present clauses (i), (ii) and (iii) shall be re-numbered as clauses (ii), (iii) and (iv), respectively.

(3) In clause (ii) of the same sub-section, the word "Vice-Chairman" shall be inserted after the word "Chairman."

(4) At the end of clause (iv) of the same sub-section, shall be inserted the words "or likely to bring the municipal administration into contempt" and the following proviso shall be added:—

"Provided that when the Governor in Council proposes to take action under this clause he shall not pass any orders without giving an opportunity of explanation to the Chairman, Vice-Chairman, or Councillor concerned, and shall also record the reasons for the action taken."

(5) To the same sub-section shall be added the following clause:—

"(v) In the case of a Chairman, if he, without an excuse sufficient in the opinion of the Governor in Council, omits or refuses to carry out any resolution of the council."

(6) The word "Vice-Chairman" shall be inserted after the word "Chairman" in sub-section (2) of the same section.

20. (1) In section 20, the words "by resignation, removal or death" shall be omitted and after the words "otherwise directs" shall be added the words "in exercise of the powers vested in him under section 12."

Amendment of section 20.

(2) The figure (1) shall be inserted at the beginning of the same section and the following shall be added as sub-section (2):—

New sub-section added.

"The person so appointed shall, subject to the provisions of clause (ii) of sub-section (1) of section 14, hold his seat for the unexpired remainder of the term for which his predecessor would otherwise have continued in office, but shall, if otherwise qualified, be eligible for re-appointment."

Cf. Section 27 of Bengal Act III of 1884.  
Cf. Sections 12 (3) and 17 (2) of Act XX of 1891 (Punjab).



Insertion of  
a new sub-  
section after  
section 21.

Appointments  
to be noti-  
fied in the  
Gazette.

Amendment  
of section 28.

21. After section 21 shall be inserted the following section :—

“21-A. All elections and appointments of Chairmen, Vice-Chairmen and Members of the Municipal Councils shall be notified in the *Fort St. George Gazette*.”

22. (1) In sub-section (1) of section 28, for the words “any Bank in or near the Municipality,” shall be substituted the words “a Bank.”

(2) In sub-section (2) of the same section, for the words “by any two of the Municipal Councillors,” shall be substituted the words “by any two Municipal Councillors who have been duly authorized in this behalf by the Chairman” and the following words shall be inserted at the end of the sub-section :—“provided that if the Municipal Council shall have given previous authority in writing, such treasury or bank may at once pay out of such fund without such order any expense which the Governor in Council has incurred on behalf of the Municipal Council.”

23. For sub-section (2) of section 29, shall be substituted the three following sub-sections :—

“(2) The Chairman shall, on the requisition in writing of not less than one-fourth of the Municipal Councillors then on the Council, convene a meeting of the Municipal Council, provided that the requisition specifies the day when, and the purpose for which the meeting is to be held, and is made at least six days previous to the day of such meeting.

“(3) Except in cases of urgency, no meeting shall be held unless notice of the day and time when the meeting is to be held and of the business to be transacted thereat has been given at least three clear days previous to the day fixed for the meeting.

“(4) All meetings of the Municipal Council shall be open to the public. Provided that the presiding member may, in any particular case, for reasons to be recorded in the minute-book kept under section 31, direct that the public generally, or any particular person, shall withdraw.”

24. (1) In sub-section (1) of section 30 between the words “Chairman” and “shall preside” shall be inserted the words “or in his absence the Vice-Chairman” and for the words “of the Chairman” shall be substituted the words “of both the Chairman and Vice-Chairman.”

(2) In sub-section (2), the words “the Chairman or” shall be omitted.

(3) The following sub-section shall be inserted after sub-section (2) :—

“(3) No Municipal Councillor shall vote on any question coming before the Council for consideration in which (otherwise than in its general application to all persons and properties within the Municipality) he has any pecuniary interest”;

and the present sub-sections (3), (4) and (5) shall be re-numbered as sub-sections (4), (5) and (6), respectively.

(4) In sub-section (4) of the same section as so re-numbered, the words “the Sanitary Commissioner, the Sanitary Engineer,” shall be inserted at the beginning; the words “the Inspector or the Assistant Inspector of Schools” shall be substituted for the words “and the Inspector of Schools of the circle”; and the words “attend any meeting of the Municipal Council and” and the word “respectively” shall be omitted.

(5) For sub-section (5) of the same section, shall be substituted the following sub-section :—

“(5) No business shall be transacted at a meeting unless there be present at least four Municipal Councillors or, if the number of Municipal Councillors then on the Council exceeds twelve, at least one-third of that number.

“If within half an hour after the time appointed for a meeting a quorum is not present, the meeting shall stand adjourned unless all the members present agree to wait longer.”

Cf. Section  
18 of Act  
XX of 1891  
(Punjab).

Substitution  
of new sub-  
sections for  
sub-section  
(2) of section  
29.

Chairman to  
convene  
meeting on  
requisition.

Notice of  
meeting and  
business to be  
issued.

Meetings to  
be public.

Amendment  
of section.  
30.

New sub-  
section  
added.  
Interested  
Councillor  
not to vote.

Quorum.

(6) In sub-section (6) of the same section, the words “at a meeting specially convened in that behalf and” shall be inserted after the word “except”; and for the last twelve words, shall be substituted the words “the votes of not less than one-half of the sanctioned number of Municipal Councillors.”

25. (1) In sub-section (1) of section 31, for the first twelve words, shall be substituted the words “Minutes of the proceedings at each meeting of the Municipal Council.”

(2) In sub-section (2) of the same section, for the words “resolutions of”, shall be substituted the words “proceedings at”, and, for the words “Municipal Council”, shall be substituted the word “Chairman”; and the following proviso shall be added at the end of the sub-section :—

“Provided that the Chairman shall immediately submit to the said Revenue officer any minute of dissent that may be forwarded to him within forty-eight hours of the meeting by any Councillor.”

(3) After sub-section (2) of the same section, shall be inserted the following sub-section :—

“(3) The Chairman shall have the custody of the proceedings and records of the Municipal Council and may grant copies of any such proceedings and records on payment of such fees as the Municipal Council may, by general or special order, prescribe. Copies granted under this sub-section shall be certified by the Chairman as provided in section 76 of the Indian Evidence Act, 1872, and copies so certified may be used to prove the records of the Municipal Council in the same manner as they may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body.”

26. (1) In section 32, after sub-section (1), shall be inserted the following sub-section :—

“(2) The Chairman shall furnish to the Municipal Council such monthly reports regarding the progress made in carrying out the resolutions of that body and in the collection of taxes as the Municipal Council may prescribe;”

and the present sub-sections (2) and (3) shall be re-numbered as sub-sections (3) and (5), respectively.

(2) For sub-section (3) of the same section as so re-numbered, shall be substituted the two following sub-sections :—

“(3) The Chairman may from time to time authorize the Vice-Chairman, by an order in writing, to exercise any of the powers conferred, or to perform any of the duties imposed, on the Chairman by this Act, and may at any time in like manner modify or cancel such order.

“Provided that—

- (i) he shall not delegate any powers or duties to the Vice-Chairman which the Municipal Council expressly prohibits him from delegating;
- (ii) the delegation of powers or duties under this sub-section shall not relieve the Chairman of any responsibility imposed upon him by this Act.

“(4) Where there is no Vice-Chairman, the Chairman may, with the previous consent of the Municipal Council, from time to time authorize, by an order in writing, any Municipal Councillor whom he may select to exercise any of the powers conferred, or to perform any of the duties imposed, on such Chairman by this Act and may, at any time, in like manner, modify or cancel such order.

“Provided that—

- (i) the Chairman may not delegate his powers or duties under this sub-section, for any period or periods exceeding, in the aggregate, three months in any one financial year;

Amendment  
of section 31.

New sub-  
section  
added.  
Certified  
copies of pro-  
ceedings and  
records.

New sub-  
section  
inserted in  
section 32.

Chairman to  
furnish pro-  
gress reports.

New sub-  
sections  
substituted  
for sub-  
section (3) of  
section 32.

Delegation of  
powers by  
Chairman to  
Vice-Chair-  
man.

Delegation of  
powers by  
Chairman to  
a Municipal  
Councillor.

Cf. section 45  
of Bengal  
Act III of  
1884.

Cf. Section  
58 of Bengal  
Act III of  
1884.



- (ii) the delegation of powers or duties under this sub-section shall not relieve the Chairman of any responsibility imposed upon him by this Act; and

- (iii) every order made by the Chairman under this sub-section shall be communicated at once to the District Collector and to the Revenue officer in charge of the Division.

"A Municipal Councillor authorised under this sub-section to exercise any of the powers or to perform any of the duties of the Chairman shall, for the period during which he exercises such powers or performs such duties, be styled the 'Chairman-delegate'."

27. After section 32 shall be inserted the following section:—

"32-A. Notwithstanding anything contained in sub-section (5) of section 32 it shall be lawful for the Chairman in cases of emergency to direct the execution of any work or the doing of any act which the Municipal Council is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public and to direct that the expense of executing such work or doing such act incurred as the emergency may require shall be paid from the municipal fund.

"Provided that—

- (i) he shall not act under this section in contravention of any order of the Municipal Council prohibiting the execution of any particular work or the doing of any particular act, and
- (ii) every direction given under this section shall be reported at the next following meeting of the Municipal Council."

Amendment of section 33.

28. (1) In sub-section (1) of section 33, for the words "any Chairman", shall be substituted the words "the Chairman"; for the words "such Chairman", wherever they occur, shall be substituted the words "the Chairman"; and the words "after giving the Chairman a reasonable opportunity of explanation" shall be inserted between the words "Collector" and "may."

(2) In sub-section (2) of the same section the words "together with the explanation of the Chairman, if any," shall be inserted after the words "copy thereof."

Amendment of section 34.

29. In sub-section (2) of section 34, for the words "this section," shall be substituted the words "sub-section (1)"; and, at the end of the same sub-section, shall be added the words "The Collector of the District, also, may, by a special order in writing in each case, direct the Revenue officer in charge of the Division to exercise any of the powers referred to in clauses (i), (ii) and (iii) of sub-section (1)."

Amendment of section 35.

30. (1) For sub-section (1) of section 35 shall be substituted the following sub-section:—

Power to suspend section under Act.

"(1) The Governor in Council or the Collector of the District may by order in writing suspend the execution of any resolution of any Municipal Council or of any order issued by any Municipal Council or Chairman or cancel such resolution or order, or suspend or cancel any license or permission granted by any Municipal Council or Chairman and may prohibit the doing of any act which is about to be done or is being done in pursuance of or under the colour of this Act if, in his opinion, such resolution has not been legally carried or such resolution, order or act or the grant of such license or permission is in excess of the powers conferred by law or the execution of such resolution or order or the doing of such act or the continuance in force of such license or permission is likely to cause obstruction, injury or annoyance to any person lawfully employed, or danger to human life, health or safety, or is likely to lead to a riot or an affray."

(2) In sub-section (2) of the same section before the word "direct" shall be inserted the words "after giving the Municipal Council a reasonable opportunity of explanation."

31. (1) In sub-section (1) of section 36, for the words "the Revenue officer in charge of the Division of a District in which any municipality is situated," shall be substituted the words "the Collector of the District or the Revenue officer in charge of the Division;" and, between the words "Municipal Council" and the words "is empowered," shall be inserted the words "or the Chairman."

(2) In sub-section (2) of the same section, between the word "such" and the words "Revenue officer," shall be inserted the words "Collector or."

(3) For sub-section (3) of section 36, shall be substituted the following sub-section:—

"(3) Every case in which the powers conferred by this section are exercised shall be forthwith reported to the Governor in Council by the Collector or through the Collector by the Revenue officer in charge of the Division, as the case may be, with the reasons in full for the exercise of such powers; and a copy of the letter shall, at the same time, be sent to the Municipal Council for information."

32. (1) In sub-section (1) of section 37, between the words "Municipal Council" and the words "has made" shall be inserted the words "or a Chairman", and the words "on it" shall be omitted.

(2) In sub-section (3) of the same section, at the end of the first sentence, shall be inserted the words "except charges for the service of authorized loans."

33. The figure (1) shall be inserted at the beginning of section 33 and the following shall be added as sub-section (2):—

"(2) No rule made under this section shall take effect until it has been published in the manner prescribed by the Governor in Council."

34. After section 39 shall be inserted the following section:—

"39-A (1) Subject to the approval of the Governor in Council, every Municipal Council may, at a meeting specially held for the purpose, appoint a person to be their Secretary, and may at a like meeting, and subject to the like approval, remove any person so appointed; and shall remove such person if at any time required by the Governor in Council to do so.

"(2) Unless the Governor in Council otherwise directs, every Municipal Council which has during three consecutive financial years realized an average annual income of Rs. 30,000 excluding extraordinary items of receipt shall in the next succeeding financial year appoint a Secretary.

For the purposes of this section the Governor in Council may declare what are extraordinary items of receipt.

"(3) (a) The person so appointed shall, if he be a member of the Municipal Council at the time of such appointment, cease to be such when he accepts the appointment and enters upon his duties as such Secretary.

"(b) The Municipal Council shall, with the previous sanction of the Governor in Council, assign to the Secretary such salary as the Municipal Council may think fit.

"(c) Every Secretary appointed under this section shall devote his full time to the service of the Municipal Council, and shall not engage in any trade or other occupation.

"(d) Subject to the approval of the Governor in Council, the Chairman shall delegate to the Secretary his powers under section 42 as regards the servants of the Municipal Council employed in the Municipal office and in the collection of the Municipal revenues and such of his other powers excepting those relating to the conduct of proceedings in meetings, as the Municipal Council may determine.

"Provided that—

- (i) When the Chairman has so delegated any or all of his powers he shall cease to exercise them himself;
- (ii) Powers once delegated to the Secretary shall not be withdrawn without the sanction of Government."

Amendment of section 36.

Report to be made to Governor in Council by Collector interfering in case of emergency.

Amendment of section 37.

New sub-section added to section 33.

Insertion of a new section after section 39.

Every Municipal Council may appoint a Secretary subject to approval of Governor in Council.

Certain Municipal Councils to appoint a Secretary unless Governor in Council otherwise directs.

Duties and powers of Secretary.

Cf. section 180 of Act XX of 1891 (Punjab).

Cf. section 26 of Act XX of 1891 (Punjab).

Cf. Section 29 of Act XX of 1891 (Punjab) and section 20 of Act XVIII of 1889 (Central Provinces).



Amendment  
of section 40.

**35.** (1) To sub-section (4) of section 40, at the end, shall be added the words "or unless some other Government servant has been deputed to replace the one withdrawn."

New sub-section added.

Privileges of Government servants in Municipal employ.

(2) After the same sub-section, shall be inserted the following sub-section :—  
“(5) Government servants employed under Municipal Councils shall be entitled to leave and other privileges in accordance with the regulations applicable to the department of the general administration to which they belong.”

Amendment  
of section 42.

**36.** (1) From sub-section (1) of section 42, shall be omitted the words "and may also appoint such temporary servants as may be required for the purposes of this Act in cases of emergency," as also the words "and temporary" and the words "or as the emergency may require."

New sub-section added.

(2) After sub-section (1) of the same section the following sub-section shall be inserted :—

Appointment of temporary servants in cases of emergency.

“(2) The Chairman may also in cases of emergency appoint such temporary servants as in his opinion may be required for the purposes of this Act and may direct that the salaries of such temporary servants fixed as the emergency may require shall be paid from the Municipal fund.

“Provided that—

(i) He shall not act under this section in contravention of any order of the Municipal Council prohibiting the employment of temporary servants for any particular work, and

(ii) Every appointment made under this sub-section shall be reported at the next following meeting of the Municipal Council ;”  
and the present sub-section (2) shall be re-numbered as sub-section (3).”

(3) In sub-section (3) of the same section as so re-numbered after the word "suspend", shall be inserted the word "reduce;" and, for the word "persons" shall be substituted the word "servants."

Addition of a proviso to section 43.

**37.** To section 43, shall be added the following proviso :—

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

Amendment  
of section 44.

**38.** (1) In sub-section (1) of section 44, the word 'one' shall be omitted and the words "the Chairman or a Committee consisting of two" inserted instead.

(2) After sub-section (2) of the same section shall be inserted the following sub-section :—

Contractual powers of persons appointed by Government.

“(3) Notwithstanding anything in the two preceding sub-sections, any person appointed by the Governor in Council to carry any work into execution on behalf of a Municipal Council may, subject to such control as the Governor in Council may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the Municipal Council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.”

Amendment  
of section 45.

**39.** In sub-section (1) of section 45, the figures "100" shall be substituted for the figures "200"; between the word "and" and the words "shall be signed," shall be inserted the words "except in the case of contracts made under the provisions of sub-section (3) of section 44"; and at the end of the sub-section the words "or Vice-Chairman" shall be added.

New section substituted for section 47.  
Levy of taxes and tolls.

**40.** For section 47 shall be substituted the following section :—

“47. The taxes and tolls which may be levied for the purposes of this Act are as follows :—

*Cf. section 36 (1) of Act XX of 1891 (Punjab).*

*Cf. section 42 (1) (A) (e) of Act XX of 1891 (Punjab).*

*Cf. section 60 of Act XX of 1891 (Punjab). Sections 93 and 108 of Bengal Act III of 1884. Section 131 of Madras Act I of 1884.*

*Cf. section 108 of Madras Act I of 1884.*

- (i) A yearly tax on arts, professions, trades and callings, and on offices and appointments, at the rates specified in Schedule A ;
- (ii) A yearly tax on buildings or lands or both, calculated as hereinafter provided ;
- (iii) A yearly water and drainage tax on buildings or lands or both, calculated as hereinafter provided ;
- (iv) A half-yearly tax on vehicles with springs, palanquins and animals, at rates not exceeding in any case those specified in Schedule B ;
- (v) A half-yearly tax on carts and other vehicles without springs, at a rate not exceeding two rupees for each half-year in respect of every such vehicle ;
- (vi) Tolls on vehicles and animals entering the municipal limits, at rates not exceeding in any case those specified in Schedule D ; and
- (vii) A monthly tax on private menial and domestic male servants, at a rate not exceeding two rupees per mensem for each such servant.

“Provided that the water and drainage tax shall be levied only to enable the Municipal Council to provide for expenses connected with the construction, maintenance, repair, extension or improvement of water or drainage works heretofore provided or hereafter to be provided and that the proceeds of the said tax shall be solely devoted to defraying the said expenses.

“Provided, further, that the tax on servants shall be levied in hill-stations, being municipalities, only.”

**41.** In section 48, the words "this Act" shall be substituted for the words "the last preceding section."

**42.** In section 51, for the words "who has, in their opinion, become unable," shall be substituted the words "who is, in their opinion, unable."

**43.** For section 52, shall be substituted the following section :—

“52. (1) The Chairman shall prepare and keep separate assessment books showing the persons and property liable to taxation under this Act.

(2) If, at any time, it appears to the Municipal Council that any person or property has been inadequately assessed or improperly omitted from the assessment books, they may direct the Chairman to amend the said books in such manner as they may deem just; provided that no such direction shall be given unless the person concerned shall have been afforded a reasonable opportunity to show cause to the Municipal Council why the assessment books should not be amended as proposed.

(3) The Municipal Council may, at any time, for the purpose of deciding whether action should be taken under sub-section (2), appoint a Committee, consisting of the Chairman and not more than two other Municipal Councillors, to scrutinize the assessment books.”

**44.** After section 52, shall be inserted the two following sections :—

“52-A. In the case of taxes payable by the Chairman of a Municipal Council, the original assessments shall be made by the Revenue officer in charge of the Division in which the Municipality is situated and appeals against such assessments shall lie to the Municipal Council.

“52-B. (1) The Chairman shall give to every person making payment of a tax a receipt therefor signed by him or by some person duly authorized by him in that behalf.

(2) Such receipt shall specify—

- (i) the date of the grant thereof ;
- (ii) the name of the person to whom it is granted ;
- (iii) the tax in respect of which the payment has been made ;
- (iv) the period for which the payment has been made ; and
- (v) the amount in respect of which it is granted.”

Proviso as to levy of water and drainage tax.

Proviso as to levy of tax on servants.

Amendment of section 48.

Amendment of section 51.

New section substituted for section 52.

Chairman to maintain assessment books.

Council may direct Chairman to amend assessment books.

Appointment of Committee to scrutinize assessment books.

Insertion of new sections after section 52.

Assessment of taxes payable by Chairman.

Receipts to be given for all payments of taxes.



Amendment  
of section 53.  
Pensioners  
liable to pro-  
fession tax.

45. The following "Explanation" shall be added to section 53 :—

"*Explanation.*—A person in receipt of a pension paid from any source shall be deemed to be a person holding an office or appointment within the meaning of this section."

46. In section 56, for the word "may," shall be substituted the word "shall."

47. For section 60, shall be substituted the following section :—

"60. If in any half-year any person exercises in more than one municipality any such art, profession, trade or calling or holds any such office or appointment, he shall be liable, subject to the provisions of section 55, to pay the tax leviable under section 53 in each of such municipalities ;

"Provided that the tax payable in each such municipality shall be fixed with reference to the income derived from the business carried on or the appointment held therein ;

"Provided further that no person who shall prove that he has paid the sum due on account of the said tax for the same half-year in any other municipality shall be liable, by reason merely of change of business, appointment, residence or place of business, to pay more than the difference between such sum and the amount from which he claims exemption."

*Illustration 1.*—A, a Sub-Collector, is transferred in the middle of a half-year from Municipality X to Municipality Y, where he continues to hold the appointment of Sub-Collector on the same salary. If A, before leaving X, paid the tax for the half-year during which he was transferred, he is not liable to pay the tax again for the same half-year in Y.

*Illustration 2.*—A, a Sub-Collector, is transferred in the middle of a half-year from X to Y on promotion to the rank of a Collector. If A, before leaving X, paid the tax leviable on him as Sub-Collector for the half-year during which he was transferred, he is liable to pay in Y only the difference between the tax payable by a person in receipt of the salary of a Sub-Collector and that payable by a person in receipt of the salary of a Collector.

*Illustration 3.*—B has simultaneously a shop in X and a shop in Y. The former brings him in an income of Rs. 100 a month and the latter an income of Rs. 50 a month. B is liable to pay Rs. 2 per half-year in X and Re. 1 per half-year in Y.

*Illustration 4.*—B derives a monthly income of Rs. 100 from a shop in X. In the middle of a half-year, after paying the tax of Rs. 2 in X, he closes his shop in X and opens one in Y. If, during the sixty days following the opening of the new shop, B derives therefrom a monthly income of Rs. 200, he is liable (as indicated in Illustration 2) to pay in Y for the half-year in which his shop was opened a further sum of Rs. 2. If, however, B derives a monthly income of less than Rs. 200 from the new shop during the said period of sixty days, he is not liable to pay in Y any tax for the said half-year.

48. For section 62, shall be substituted the following section :—

"62. The Chairman may, in like manner, require—

- (i) every employer of labour,
- (ii) every head or secretary of a public or private office or of a firm or company and
- (iii) every secretary, owner or manager of a club, hotel or boarding-house or of residential chambers

to forward to him, within a specified time, a list in writing, signed by such employer, head, secretary, owner or manager, of the names of all persons employed by him, or employed in such office, firm or company, or resident in such club, hotel, boarding-house or chambers, as the case may be, together with a statement of the respective salaries of the persons so employed and of the arts, professions, trades, callings, offices and appointments of the persons so resident. The Chairman may also, in like manner, require such employer, head, secretary, owner or manager to furnish such particulars relative to any company of which he is the agent as may be required by the Chairman for the purposes of this Act."

49. For section 63, shall be substituted the following section :—

"63. (1) If the Municipal Council notify, under section 50, that a tax shall be levied on buildings or lands or both in the Municipality, the Chairman shall impose such tax on all buildings or lands or both, excepting (a) lighthouses, piers, wharves,

New section  
substituted  
for section 62.  
Power of  
Chairman to  
call on em-  
ployers, &c.,  
for lists of  
persons liable  
to profession  
tax.

New section  
substituted  
for section 63.  
Taxes on  
buildings and  
lands.

jetties, choultries, hospitals, dispensaries and other buildings or lands, to the extent to which they are used for public, charitable or religious but not residential purposes, (b) burial and burning grounds and (c) buildings or lands belonging to the Municipal Council.

Exceptions.

"(2) Except as provided in sub-section (3) of this section and in section 63-A, the said tax shall be levied at such rate or rates, not exceeding in any case eight and-a-half per centum on the annual value of the buildings or lands or both upon which it is imposed, as the Municipal Council may have notified under section 50.

Rates at  
which said  
taxes may be  
levied.

"(3) In the case of—

- (a) lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure-ground or for the pasturage of animals kept for private use, and

In certain  
cases rates  
may be fixed  
with refer-  
ence to area.

(b) lands occupied by native huts, the Chairman may, subject to the approval of the Municipal Council and the sanction of the Governor in Council, impose a tax on such lands at an annual rate not exceeding four annas for every eighty square yards thereof, in lieu of the tax referred to in sub-section (2).

"Provided that no tax shall be levied under this sub-section upon lands used solely for agricultural purposes.

"(4) When lands occupied by native huts are taxed in accordance with the provisions of sub-section (3), no tax shall be imposed under this section upon the huts standing thereon.

In such cases  
no tax to be  
levied on  
huts.

"(5) The Chairman shall exempt from tax under sub-section (2) any building or land the annual value whereof is not more than six rupees, if it be the owner's sole property liable to tax under this section."

Property  
valued at  
Rs. 6 a year  
and under  
exempted.

50. After section 63, shall be inserted the following section :—

"63-A. With the sanction of the Governor in Council, the Municipal Council may substitute, in any portion of the Municipality, for the tax leviable on buildings at a percentage on their annual value, a rate calculated according to the area covered by such buildings. This rate shall be determined by the Municipal Council with the approval of the Governor in Council and may vary with reference to the situation and description of the buildings."

Insertion of  
a new section  
after section  
63.  
Levy of tax  
on buildings  
at rate calcu-  
lated on area  
covered.

51. For section 64, shall be substituted the following section :—

"64. (1) The tax imposed upon buildings or lands under sections 63 and 63-A shall be payable by the owners thereof in two equal half-yearly instalments.

"(2) Subject to the provisions of sub-section (1) of section 73, the instalment for each half-year shall be payable within thirty days after the commencement of that half-year, unless a revision petition has been presented to the Chairman as hereinafter provided, in which case the payment may be postponed until fifteen days after the disposal of such petition."

New section  
substituted  
for section  
64.  
Tax payable  
in half-yearly  
instalments.  
Instalments  
when due.

52. For section 66, shall be substituted the following section :—

"66. (1) When the Municipal Council has notified that a tax shall be levied under section 63 or 63-A, the Chairman shall assess the amounts payable in respect of all property liable to the tax. The assessment books shall show in distinct columns, in respect of all property assessed to the tax—

New section  
substituted  
for section 66.  
Chairman to  
assess amounts  
payable and  
enter certain  
particulars  
in assessment  
books.

- (i) the name of the owner thereof ;
- (ii) the name of the occupier thereof ;
- (iii) the designation thereof, if any ;
- (iv) the name of the division and street, if any, in which it is situated and any survey or other number which it bears ;
- (v) the annual value thereof, or the area thereof, or the area and description thereof, as the case may be ; and
- (vi) the amount of tax assessed thereon.



Periodical and occasional revision of assessments.

Date from which assessments and revisions to have effect.

New sections substituted for section 69.

Date on which revision petitions will be heard to be notified in certain cases.

Special notice of date for hearing revision petitions to be given in certain cases.

Exception.

Petitions for revision on certain grounds may be made at any time.

Petitioners to have reasonable opportunity to represent case.

Disposal of revision petitions.

New section substituted for section 72. Refund on account of vacant buildings.

"(2) The assessment books shall be completely revised by the Chairman at least once in every five years and the Chairman may amend them at any time by inserting therein, or removing therefrom, any property or by altering the amount of tax leviable in respect of any property.

"(3) Every general assessment under sub-section (1) and every general revision of the assessment books and every amendment thereof under sub-section (2) shall, subject to the provisions of section 73, have effect from the beginning of the financial year following that in which it is made."

53. For section 69, shall be substituted the five following sections:—

"69. When assessment books have been for the first time prepared, and whenever they have undergone a general revision, the Chairman shall, before the close of the financial year in which the said books have been so prepared or revised, notify by beat of drum and by a notice published in the District Gazette that, on a specified date, not being less than thirty days from the date of the later of such notifications, he will be prepared to consider revision petitions presented to him within the said period of thirty days.

"69-A. (1) In every case in which property is for the first time assessed, and in every case in which the tax payable in respect of property is increased otherwise than in consequence of a general enhancement in the rate at which the tax is leviable, the Chairman shall intimate by special notice to the owner or occupier of such property that he will be prepared to consider any revision petition which may be presented to him in respect of such assessment or increase within thirty days after the date of service of the said notice. In the case of an increase of tax, the special notice shall further contain a brief statement of the reasons therefor.

"(2) Nothing contained in this section shall apply to persons affected by a direction given by the Municipal Council under sub-section (2) of section 52.

"69-B. Any person may at any time, not being less than thirty days before the end of a financial year, move the Chairman by revision petition to reduce the tax to which he is liable for the forthcoming financial year, on the ground that the annual value of the property in respect of which the tax is imposed has decreased since the general assessment or last general revision of the assessment books.

"69-C. When a revision petition is presented to the Chairman, the Chairman shall, unless the date upon which petitions will be considered has already been publicly notified under section 69, intimate to the petitioner the date upon which his petition will be considered, and no petition shall be disposed of unless the petitioner has been given a reasonable opportunity to appear, either in person or by authorized agent, and to represent his case.

"69-D. (1) Immediately after the disposal of a revision petition, the Chairman shall inform the petitioner or his authorized agent, either orally or in writing, of the orders passed thereon and shall direct him to pay the amount fixed on revision within fifteen days.

"(2) The assessment books shall be corrected with reference to the Chairman's orders in revision and such correction shall not be deemed to be an amendment within the meaning of sub-section (3) of section 66."

54. For section 72, shall be substituted the following section:—

"72. (1) If any building has been vacant for not less than sixty consecutive days in a half-year, the Chairman shall, on demand by the owner, refund so much, not exceeding one-half, of the tax paid for that half-year as is proportionate to the number of days during which such building has been vacant.

"(2) Every demand for a refund under this section shall be made during the half-year in respect of which the refund is sought or in the following half-year, and not afterwards; and no person shall be entitled to such refund unless he, at or about the time that the building became vacant, gave notice of such vacancy to the Chairman."

Cf. sections 92 and 107 of Bengal Act III of 1884.

Cf. section 110 of Bengal Act III of 1884.

55. (1) In sub-section (1) of section 73, at the end, shall be inserted the words "The Chairman shall, on receipt of the said notice, assess the tax leviable in respect of the building, and the instalment for the half-year in which the assessment is made shall be payable within thirty days after the date of service of the notice issued under section 69-A, or within fifteen days after the disposal under section 69-C of any revision petition which may be presented; provided that, if such date of completion or occupation falls within the last two months of a half-year, no tax or enhanced tax, as the case may be, shall be levied in respect of the building for that half-year."

(2) For sub-section (2) of the same section, shall be substituted the following sub-section:—

"(2) When any building is completely demolished or destroyed, the owner thereof may give notice to the Chairman of such demolition or destruction; and, until such notice is given, such owner shall be liable, at the discretion of the Chairman, to payment of all taxes which would have been leviable had such building not been demolished or destroyed. If the said notice is given within the first two months of a half-year, no tax shall thereafter be levied in respect of the building and any tax which may have been levied for that half-year shall be refunded."

56. For sub-section (1) of section 75, shall be substituted the following sub-section:—

"(1) If the Municipal Council notify, under section 50, that a water and drainage tax shall be levied on buildings or lands or both, at a percentage on their annual value, such tax shall be levied at the rate or rates so notified but not exceeding in any case eight per centum on the annual value of the buildings or lands or both upon which the tax is imposed. All the provisions of sections 63, 63-A, 64, 65, 66, 68, 69, 69-A, 69-B, 69-C, 69-D, 72 and 73 shall, *mutatis mutandis*, apply to the water and drainage tax; provided that no such tax shall be levied upon any land exclusively used for agricultural purposes and not deriving any benefit from the water or drainage works on account of which the tax is imposed."

57. (1) In sub-section (1) of section 77, for the words "kept within the Municipality or let out for hire or used in the Municipality", shall be substituted the words "kept or let out for hire within the Municipality".

(2) In sub-section (2) of the same section, the words "or used" shall be omitted, and for the figures "30", shall be substituted the word "fifteen".

(3) In sub-section (3) of the same section, after the words "under this section", shall be inserted the words "in any Municipality", and for the words "any Municipality", shall be substituted the words "the same Municipality".

58. (1) For clause (i) of section 78, shall be substituted the following clause:—  
"(i) Vehicles and animals belonging to Government and used for military purposes;"

(2) For clause (iv) of the same section, shall be substituted the following clause:—

"(iv) Vehicles and animals kept within the Municipality for use in the discharge of their out-door duties therein by such members of the Police force as are employed on such duties or by such servants of the Municipality similarly employed as the Municipal Council may, with the approval of the Governor in Council, designate; provided that not more than one vehicle and two animals for each such member or servant shall be exempt under this clause from taxation; and"

59. In section 80, for the words "to be liable", shall be substituted the words "to have become liable".

60. For section 82, shall be substituted the following section:—

"82. If any person to whom a form has been sent under section 80 omits, within one week of its receipt, to fill it up, and to date, sign and return it to the Municipal office, or if he returns the said form so filled up, dated and signed but omits, within the said period, to pay the tax for which he is liable, the Chairman



shall serve on such person a notice requiring him to pay within fifteen days from the service of such notice the sum for which he is believed to be, or is, liable under section 77."

Substitution of new sub-sections for sub-sections (1) and (4) of section 85.  
Tax on carts, &c.

61. (1) For sub-section (1) of section 85, shall be substituted the following sub-section:—

"(1) If the Municipal Council notify, under section 50, that a half-yearly tax shall be levied on carts and other wheeled vehicles without springs kept or let out for hire within the Municipality the owner of every such cart or vehicle shall register the same and pay the tax due on account thereof upon such date as the Chairman may notify under sub-section (3)."

(2) For sub-section (4) of the same section, shall be substituted the following sub-section:—

Exception.

"(4) This section shall not apply to vehicles belonging to Government and used for military purposes, to vehicles belonging to the Municipal Council or to vehicles kept solely for sale by builders and dealers."

Amendment of section 86.

62. (1) In sub-section (1) of section 86, the words "owning or", wherever they occur, shall be omitted, and for the word "fifteen", shall be substituted the word "twenty".

(2) Sub-section (2) of the same section shall be re-numbered as section 86-A and the word "but" and the words "under this section" shall be omitted therefrom.

New section substituted for section 90.  
Procedure after seizure of vehicle.

63. For section 90, shall be substituted the following section:—

"90. (1) If the cart or other vehicle seized under section 89 be not claimed within ten days from the date of seizure, the Chairman may direct that such cart or vehicle shall be sold by public auction and that the proceeds of the sale shall be applied to the payment of (i) the tax due on the cart or other vehicle sold, (ii) such penalty not exceeding the amount of the said tax as the Chairman may direct, and (iii) a sum of one rupee on account of charges incurred in connection with the seizure, detention and sale.

"(2) If the owner of the cart or other vehicle seized under section 89 appear within ten days from the date of seizure and claim the same, it shall be returned to him on payment of (i) the tax due thereon, (ii) such penalty not exceeding the amount of the said tax as the Chairman may direct, and (iii) a sum of eight annas on account of charges incurred in connection with the seizure and detention."

New sub-section substituted for sub-section (3) of section 91.

64. For sub-section (3) of section 91, shall be substituted the following sub-section:—

No tolls to be levied in certain cases.

"(3) No tolls shall be levied for the passage of vehicles or animals—

- (a) belonging to the Municipal Council;
- (b) conveying troops, military stores and baggage, military and police officers in uniform, Municipal servants on duty, or persons or property in the custody of such officers or servants; or
- (c) licensed or registered by the Municipal Council, during the period for which they have been so licensed or registered."

Amendment of section 92.

65. (1) From sub-section (1) of section 92, shall be omitted the last twenty-five words.

(2) In sub-section (3) of the same section, for the first nineteen words shall be substituted the words "A table of the tolls leviable shall be put up at every toll-bar, gate or station by the Municipal Council; such table shall be".

Amendment of section 93.

66. In section 93 the word "street" shall be substituted for the word "road" wherever it occurs.

67. In section 94, between the word "toll" and the word "in", shall be inserted the words "on behalf of the Municipal Council or, if the tolls have been farmed out, of the toll-farmer; such receipt shall be".

68. For section 95, shall be substituted the following section:—

Amendment of section 94.

New section substituted for section 95.

In case of non-payment of toll, vehicle, &c., may be seized.

Notice of intended sale.

"95. (1) If the toll leviable is not paid on demand, the person appointed to collect it as aforesaid may seize and detain such portion of the appurtenances or load of the vehicle or animal in respect of which the toll, or any portion thereof, is due as will, in his opinion, suffice to defray the amount so due, and, in the absence of such appurtenances or load, may seize and detain the said vehicle or animal.

"(2) All property seized under sub-section (1) shall be sent at once to the Chairman, or to such person as may have been authorized by him to receive and sell property so seized, and the Chairman or person authorized as aforesaid shall forthwith give notice to the owner of the property seized, or, if the owner is not known or is not resident within the Municipality, to the person who was in charge of the said property at the time when it was seized, and, if he is not found, publish by beat of drum that, after the expiration of two days, exclusive of Sunday, from the date of service, or after the said publication, of such notice, he will sell the said property by auction at a place to be specified in the notice."

69. (1) For sub-section (1) of section 96, shall be substituted the following sub-section:—

New sub-section substituted for sub-section (1) of section 96.

Sale shall be stopped if payment tendered.

"(1) If, at any time before the sale has begun, the person to whom notice has been given as provided in sub-section (2) of section 95, or the owner of the property seized, tenders to the Chairman or person authorized as aforesaid (a) the amount due on account of the toll, and (b) a sum of four annas on account of charges incurred in connection with the seizure and detention, the property seized shall be forthwith released."

(2) In sub-section (2) of the same section, for the words "such toll and the expenses incidental to the seizure, detention and sale" shall be substituted the figures and words "(i) the amount due on account of the toll, (ii) such penalty not exceeding the amount of toll as the Chairman may direct, and (iii) a sum of eight annas on account of charges incurred in connection with the seizure, detention and sale."

Amendment of sub-section (2) of section 96.

70. After section 96, shall be inserted the five following sections:—

Insertion of new sections after section 96.

"96-A. If the Municipal Council notify, under section 50, that a monthly tax shall be levied upon private menial and domestic male servants, the Chairman shall impose such tax at the rate specified in such notification upon all employers of such servants who have not paid during the then current financial year, and who are not liable to pay, any of the taxes specified in clauses (i), (ii) and (iii), of section 47.

Levy of tax on servants.

"96-B. The tax on servants shall be payable in each month for each servant employed for not less than five days in such month and, if it remains unpaid at the end of the said period of five days, the Chairman shall serve upon the employer a notice requiring him to pay the sum due within three days from the date of such service.

Tax when due.

"96-C. The Chairman may, by notice, require every secretary, owner or manager of a club, hotel or boarding-house or of residential chambers to forward to him, periodically or at any time, a list in writing, signed by such secretary, owner or manager, of the private menial and domestic male servants employed by every person resident in such club, hotel, boarding-house or chambers.

Chairman may require Secretaries of clubs, &c., to furnish lists of servants.

"96-D. Every person who has paid any sum under section 96-B and who, during the course of the same financial year, pays, in the same Municipality, any of the taxes specified in clauses (i), (ii) and (iii) of section 47 shall be entitled to a refund of the sum paid on account of the tax on servants.

Refund of tax, when claimable.

"96-E. In case of doubt, the Governor in Council shall have power to decide whether a Municipality is a hill-station within the meaning of the second proviso to section 47."

Governor in Council to decide what is a hill-station.



New section substituted for section 97.

Appeals to the Municipal Council in respect of taxes.

Council may cancel Chairman's orders. New section substituted for section 99. Limitation as to appeal.

71. For section 97, shall be substituted the following section :—

“97. (1) No appeal shall lie to the Municipal Council in respect of the imposition of taxes except against—

- (i) assessments made by the Revenue officer in charge of the Division under section 52-A ;
- (ii) the Chairman's proceedings under section 54 ;
- (iii) the Chairman's order under section 69-C upon a revision petition ;
- (iv) the imposition by the Chairman of any tax on any vehicle or animal or of the tax on servants.

“(2) The Municipal Council may, of their own motion or otherwise, cancel or modify any order passed by the Chairman reducing or remitting a tax.”

72. For section 99, shall be substituted the following section :—

“99. No appeal to the Municipal Council shall be heard—

- (i) unless it be presented at the Municipal office—
  - (a) within fifteen days from the date of the service of the notice referred to in sections 56 and 82 ; or
  - (b) within fifteen days from the date upon which the tax became payable under sections 64, 73, 85 or 86 ; or
  - (c) within three days from the date of the service of the notice referred to in section 96-B.

Provided that the Municipal Council may admit an appeal within fifteen days after the time prescribed in this section, if cause be shown to their satisfaction for not preferring it within the prescribed time ; and

(ii) unless (except when the Chairman otherwise directs on the ground of poverty) the tax in respect of which the appeal is presented has been deposited at the Municipal office on or before the day upon which the appeal is presented.”

73. In section 100, at the beginning, shall be inserted the following words :—

“The assessment books maintained under section 52 shall be corrected in accordance with any orders passed by the Municipal Council on an appeal presented under section 97 and such correction shall not be deemed to be an amendment within the meaning of sub-section (3) of section 66.”

74. For section 102, shall be substituted the following section :—

“102. (1) When any tax, in respect of which no notice has been served or direction given as provided in sections 56, 69-D, 82 and 96-B, is due from any person, the Chairman shall serve upon such person a bill for the sum due, before he proceeds to enforce the provisions of section 103.

“(2) Such bill shall be signed by the Chairman and shall contain—

- (i) a statement of the period and a description of the occupation, property or thing for which the tax is charged ; and
- (ii) a notice of the liability incurred in default of payment.”

75. For section 103, shall be substituted the following section :—

“103. (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill or the giving of the direction prescribed in sections 56, 69-D, 82 and 102 or within three days from the service of the notice prescribed in section 96-B, and if the person from whom the tax is due has not shown cause to the satisfaction of the Chairman why the same should not be paid, the Chairman may recover, by the distraint and sale of the moveable property of the defaulter, the amount due on account of the tax, together with the warrant fee and the distraint fee leviable under sections 104 and 108, respectively, and with such further sum as will satisfy the probable expenses incidental to the detention and sale of the property so distrained.

New section substituted for section 103. Recovery of sum due by distraint.

“(2) If, for any reason, the distraint, or a sufficient distraint, of the defaulter's property is impracticable, the Chairman may prosecute the defaulter before a magistrate. Prosecution in default of distraint.

“(3) Nothing herein contained shall preclude the Municipal Council from suing in a Civil Court for any amount due to them under this Act.” Council may also sue.

76. For section 104, shall be substituted the following section :—

“104. In order to the distraint and sale of property under sub-section (1) of section 103, the Chairman shall issue a warrant in the form prescribed in Schedule E or in some similar form ; and, for each such warrant, a warrant fee of two annas shall be leviable.” New section substituted for section 104. Warrant for distraint.

77. For section 105, shall be substituted the following section :—

“105. The officer charged with the execution of the warrant shall, before making the distraint, demand payment of the tax due and of the warrant fee leviable under section 104. If, thereupon, the said tax and fee are paid, no distraint shall be made, but, if not, the said officer shall—

- (i) seize such moveable property of the defaulter as he may think necessary ;
- (ii) make an inventory of the property seized ; and
- (iii) give to the person in possession of the property seized at the time of seizure a notice in the form prescribed in Schedule F or in some similar form.” New section substituted for section 105. Procedure in making distraint.

78. In section 106, between the words “subject to” and the words “the conditions”, shall be inserted the words “the provisions of section 271 of the Code of Civil Procedure and to” ; after the word “apparel” shall be inserted the words “and bedding” ; after the word “cattle” shall be inserted the words “and seed grain” ; for the word “distress”, shall be substituted the word “distraint” ; and, at the end of the section, shall be inserted the words “on account of the tax, the warrant fee and distraint fee and the probable expenses incidental to the detention and sale of the said property”. Amendment of section 106.

79. For section 107, shall be substituted the following section :—

“107. (1) If the amount due by the defaulter on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention of the property is not paid within the period of seven days mentioned in the notice given under section 105, and if the distraint warrant is not suspended by the Chairman, the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the Chairman, who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and the application of the proceeds thereof as aforesaid. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the Chairman may again proceed as provided in sub-section (1) of section 103 in respect of the sum remaining unpaid.” New section substituted for section 107. Sale of distrained property.

“(2) When the property seized is subject to speedy and natural decay, the Chairman may sell it at any time before the expiry of the said period of seven days, unless the amount due is sooner paid. Sale of perishable article.

“(3) The Chairman shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the Chairman decides that the property attached was not liable to distraint, he shall return it, or, if it has already been sold under sub-section (2), the proceeds of the sale thereof, to the person appearing to be entitled thereto and may again proceed as provided in sub-section (1) of section 103 ; and al Objections to sale to be considered.



fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter, if it shall appear to the Chairman that he wilfully permitted the distraint of property which to his knowledge was not liable to distraint."

Amendment  
of section  
108.

80. (1) In sub-section (1) of section 108, at the beginning, shall be inserted the word "distraint", and the words "upon distraint" shall be omitted.

(2) In sub-section (2) of the same section for the words "cost of maintaining any live-stock", shall be substituted the words "expenses incidental to the detention of any property."

New section  
substituted  
for section  
110.

Occupier may  
be called on  
to pay for  
owner.

81. For section 110, shall be substituted the following section:—

"110. If the tax due on account of any building or land remains unpaid at the end of the period mentioned in section 103, the Chairman may, provided that the said tax has not been due for more than one year, require the occupier for the time being of such building or land to pay the amount within a specified period; and, if the occupier fails to comply with this requisition, the Chairman may distrain and sell any moveable property found on the premises, and the provisions of sections 104, 105, 106, 107 and 108 shall, *mutatis mutandis*, apply to all distraints and sales effected under this section; but no occupier shall be liable to prosecution under section 103 or to a civil suit, in respect of any sum recoverable from him under this section, unless he has wilfully prevented distraint or a sufficient distraint."

New section  
substituted  
for section  
111.

Penalty on  
conviction  
before  
Magistrate of  
failure to pay  
taxes.

82. For section 111, shall be substituted the following section:—

"111. Every person who is prosecuted under section 103 shall be liable, on proof to the satisfaction of the Magistrate that he wilfully or negligently omitted to pay the amount due by him or that he wilfully prevented distraint or a sufficient distraint, to pay a fine not exceeding twice the amount which may be due by him on account of (a) the tax and the warrant fee, if any, and (b), if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained; and he shall also pay the said amount and the costs of the prosecution.

"Provided that, in the case of any tax due under section 77 where the form referred to in section 80 has not been duly returned to the Municipal Office, the amount of tax found under this section to be due shall not be less than the amount specified in the notice served under section 82."

Amendment  
of section 113.

83. (1) In section 113, between the words, "within the Municipalities in which they are raised" and the words "to the following purposes", shall be inserted the words "or, with the special sanction in each case of the Governor in Council, without the said Municipalities;"

(2) For clause (ii) of the same section shall be substituted the two following clauses, and clauses (iii), (iv) and (v) shall be re-numbered as clauses (iv), (v) and (vii):—

"(ii) The construction, maintenance and repair of hospitals, dispensaries, lunatic asylums, poor-houses, markets, drains, sewers, latrines, water-works, tanks, wells, recreation grounds, gardens, parks and other works of public utility, the payment of all charges connected with the objects for which such works have been constructed, the training and employment of medical practitioners and vaccinators, the sanitary inspection of towns and villages, the registration of births and deaths, the watering and lighting of the streets, the cleansing of the streets, tanks, wells, drains, sewers, latrines and other works of a similar nature and the taking of a census.

"(iii) The planting and preservation of trees."

(3) In clause (iv) as renumbered the words "public libraries, reading-rooms, gymnasia, or any other institutions connected with the diffusion of education" shall be inserted after the words "maintenance of schools," and before the word "either".

(4) For clause (vi) of the same section shall be substituted the following clause:—

"(vi) the payment of any amounts falling due on any loans legally contracted by the Municipal Council.

(5) In the same section the following shall be inserted as clause (viii):—

"(viii) the payment of all expenses specially provided for in this Act, or specially sanctioned, with the approval of the Governor in Council, by the Municipal Council, but not included in the preceding clauses of this section, and the payment of refunds sanctioned by the Municipal Council;"

and the proviso to the section shall be omitted.

84. For section 114 shall be substituted the following section:—

New section  
substituted  
for section  
114.

Contribution  
by a  
Municipality  
to other  
municipal or  
local  
authorities.

"114. If the expenditure incurred for any of the purposes described in the last preceding section by any authority constituted under the Madras Local Boards Act, 1884, or the City of Madras Municipal Act, 1884, as amended by Madras Acts VII of 1884 and II of 1892, or other similar laws for the time being in force, is calculated to benefit the inhabitants of any Municipality, or if that incurred by the Municipal Council in any one Municipality is calculated to benefit the inhabitants of any other Municipality, the Municipal Council of the Municipality so benefited may, with the sanction of the Governor in Council, contribute towards such expenditure; or the Governor in Council may direct such Municipal Council to show cause, within a month after receipt of the order containing the direction, why such contribution should not be paid. If the Municipal Council fail to show such cause within the said period to the satisfaction of the Governor in Council, he may direct the said Municipal Council to pay such contribution as he shall name and it shall be paid accordingly."

85. In clause (ii) of section 124, for the words "primary schools", shall be substituted the words "schools maintained or aided from Municipal funds."

Amendment  
of section  
124.

Amendment  
of section  
131.

86. (1) In section 131, at the beginning, shall be inserted the figure "(1);" and at the end, shall be added the words "Provided that the Chairman may, upon application by any person and upon the payment by him of such fee as the Municipal Council may have prescribed, direct a public vaccinator to perform vaccination, or to make an inspection as hereinafter provided, at the private residence of such person."

New sub-  
section added.  
Vaccination  
of gosha  
females.

(2) To the same section, shall be added the following sub-section:—

"(2) If the application mentioned in the proviso to sub-section (1) is made in respect of a female who, according to the customs of the country, does not appear in public, the same shall be complied with and no fee shall be charged in respect of such compliance."

87. From section 134, shall be omitted the words "more than;" and, to the same section, at the end, shall be added the words "The Chairman may, in such Municipality, direct the vaccination of any child under six months of age when it is exposed to infection in consequence of residence in a house infected by small-pox."

Amendment  
of section  
134.

88. (1) In sub-section (1) of section 138, for the words "whether all the", shall be substituted the word "which;" for the words "have been vaccinated or are unprotected" shall be substituted the words "are unprotected; and for the said purpose the Chairman may require any parent or guardian to forward to him within a specified time a list in writing signed by him of the number and ages of the children under his guardianship;" for the words "procure the vaccination of such child or present it for inspection," shall be substituted the words "procure the vaccination or inspection of such child;" and, for the words "or (as the case may be) that it be presented for inspection", shall be substituted the words "or inspected, as the case may be."

Amendment  
of section  
138.

(2) In sub-section (2) of the same section, for the last twenty-two words, shall be substituted the words "sentence such parent or guardian to pay a fine not exceeding fifty rupees."

(3) For sub-section (3) of the same section, shall be substituted the following sub-section:—

New sub sec-  
tion substitut-  
ed for sub-sec-  
tion (3).



Magistrate may direct compliance with notice before given date.

New sub-section added.

No penalty where animal lymph demanded but not available.

Amendment of section 143.

New section substituted for section 145

Powers of the Municipal Council when constructing water-works without the Municipality.

Amendment of section 147.

Supply of water to private premises.

Amendment of section 148.

Amendment of section 149.

Insertion of a new section after section 149.

"(3) If the Magistrate finds the explanation given by the parent or guardian of the child to be satisfactory, he shall make an order in writing directing such parent or guardian to comply with the notice given under sub-section (1) before a date specified in the order, and if, on such date, the said order has not been obeyed, the Magistrate shall again summon the parent or guardian to appear before him and shall proceed as before."

(4) To the same section, shall be added the following sub-section:—

"(4) No penalty shall be imposed under this section, if it is proved that the parent or guardian has demanded the use of animal vaccine lymph and that such lymph has not been available."

89. In sub-section (2) of section 143, for the first seven words, shall be substituted the words "All public water-courses and springs and all public;" and, for the words "to any such works," shall be substituted the word "thereto."

90. For section 145, shall be substituted the following section:—

"145. Whenever the Governor in Council has sanctioned any works without the limits of any Municipality for bringing water into such Municipality, the Municipal Council and their servants may exercise all the powers which, by this Act, they may exercise within the Municipality

Section 219 of Madras Act I of 1884.

- (a) in the construction, maintenance and repair of such works throughout the line of country in which such works are situated or through which they are to run, and,
- (b) with the sanction of the Governor in Council,
  - (i) over any lake, tank, or reservoir from which a supply of water for the use of the Municipality is derived and over all lands within one mile of the high water-level of any such lake, tank or reservoir; and
  - (ii) over any water-course from which a supply of water for the use of the Municipality is derived, within one mile above, and one-half of a mile below, any point at which water is taken for such use."

91. (1) For sub-section (1) of section 147, shall be substituted the following sub-section:—

"(1) The Municipal Council may arrange with the owner or occupier of any building or land for the supply of water thereto in such quantities, on such terms, and subject to such conditions, as they may think fit; provided that no payment shall be demanded on account of water supplied for domestic purposes."

(2) Sub-section (3) of the same section is hereby repealed and sub-sections (4) and (5) shall be re-numbered as sub-sections (3) and (4), respectively.

92. (1) In sub-section (1) of section 148, for the words "may enter upon any building or land," shall be substituted the words "may at any time between sunrise and sunset and after giving one hour's notice to the occupier of any building or land supplied with water under sub-section (1) of section 147, enter into or upon such building or land."

(2) In sub-section (2) of the same section the words "at any such time" shall be omitted; and, for the words "if necessary to prevent waste of water pending repair," shall be substituted the words "if it appears to the Chairman that, pending repair, waste of water cannot be otherwise prevented."

93. In section 149, for the word "used," wherever it occurs, shall be substituted the words "is used;" the words "by the Chairman" shall be omitted; and, for the word "purpose," shall be substituted the word "purposes."

94. After section 149, shall be inserted the following section:—

Cf. Section 146 of Madras Act I of 1884. Cf. Section 297 of Bengal Act III of 1884.

"149-A. If any person who has been supplied with water under sub-section (1) of section 147 neglects to pay any sum due from him on account of the water and drainage tax levied under section 75 or any sum due from him under section 147, or is convicted of an offence punishable under section 149, the Chairman may stop the supply of water to him by cutting off any pipe laid down for the purpose of such supply or by such other means as he thinks fit and may recover the amount of the outlay incurred in cutting off the supply from the person in consequence of whose neglect or conviction the supply was stopped."

Chairman may cut off water in case of neglect to pay water-tax, &c.

95. From section 151 shall be omitted the last twenty-two words.

Amendment of section 151.

96. For section 152, shall be substituted the following section:—

New section substituted for section 152.

"152. Whoever, being the occupier of any place where any offensive trade or manufacture is carried on, does any act which causes the defilement of the water in any public water-course or spring, or in any tank, reservoir, well, cistern, aqueduct or other work which belongs to or is under the control of the Municipal Council, shall be liable to a fine not exceeding Rs. 500."

Water fouled by offensive trades.

Penalty.

97. In sub-section (1) of section 153, for the words "Municipal Council", shall be substituted the word "Chairman"; and for the word "them", shall be substituted the word "him".

Amendment of section 153.

98. For section 154, shall be substituted the following section:—

New section substituted for section 154.

"154. The Municipal Council may set apart public springs, tanks, wells and other places, and parts of public water-courses, for drinking purposes or for bathing or for washing clothes or animals, respectively, or for any other purpose calculated to promote the health, cleanliness, comfort or convenience of the inhabitants."

Council may set apart tanks, &c., for certain purposes.

99. For section 155, shall be substituted the following section:—

New section substituted for section 155.

"155. Whoever—

- (i) bathes in, or in any other manner defiles, the water in any place set apart either by the Municipal Council, or, in the case of private property, by the owner thereof, for drinking purposes; or
- (ii) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes; or
- (iii) washes clothing in any place set apart as aforesaid for drinking or bathing; or
- (iv) washes any animal, or any cooking utensil, or wool, skins or other foul or offensive substance, or deposits any offensive or deleterious matter, in any place set apart as aforesaid for bathing or washing clothes; or
- (v) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to, or occupied by, him, to pass into any place set apart as aforesaid for drinking, bathing or washing clothes;

Penalty for using tank, &c., so set apart, for purposes other than those intended.

shall be liable to a fine not exceeding twenty rupees for every such offence."

100. (1) In sub-section (1) of section 156, for the words "Municipal Council", shall be substituted the word "Chairman"; for the words "stream, channel", shall be substituted the words "water-course, spring"; after the word "drinking", shall be inserted the words "bathing or washing clothes"; for the words "any such well", shall be substituted the words "the same"; and, for the word "they", shall be substituted the words "the Chairman".

Amendment of section 156.

(2) For sub-section (2) of the same section, shall be substituted the following sub-section:—

Sub-section (2) replaced.

"(2) And, whenever the water of any such water-course, spring, tank, well or other place is proved to the satisfaction of the Municipal Council to be unfit for drinking, bathing or washing clothes, as the case may be, the Municipal Council may, by notice, require the owner or person having control thereof to desist from so using

Power to require private well, &c., to be closed, if unfit for use.



such water or permitting others to so use it, and if, after such notice, such water is used by any person for drinking, bathing or washing clothes, as the case may be, the Municipal Council may require the owner or person having control thereof to close such well, either temporarily or permanently, or to enclose or fence such water-course, spring, tank, well or other place, in such manner as they may direct, so that the water thereof may not be so used."

Amendment of section 158.

Amendment of section 159.

Amendment of section 161.

Sub-section (4) replaced.

When applicant may proceed to make a street.

Amendment of section 163.

Regular line of street.

When projecting buildings fall down, &c., the Chairman may acquire intervening land and require buildings to be set back, &c. Compensation to owners of such buildings.

Lands so acquired to be part of the public street. Buildings may be set forward for improving line of street.

Amendment of section 166.

Amendment of section 167.

101. From sub-section (1) of section 158 shall be omitted the words "by a resolution passed."

102. In section 159, for the words "Municipal Council", shall be substituted the word "Chairman".

103. (1) In sub-section (3) of section 161, for the words "one month", wherever they occur, shall be substituted the words "two months".

(2) For sub-section (4) of the same section, shall be substituted the following sub-section:—

"(4) On receipt of such license, or if, within the said period of two months, the Municipal Council has not issued an order refusing to give a license, the applicant may proceed to lay out and make the intended new street in accordance with the particulars specified in his application and the accompanying plans and sections."

104. (1) In sub-section (1) of section 163, for the words "hereinafter provided" shall be substituted the words "provided in section 264".

(2) In sub-section (2) of the same section, for the words "and may", shall be substituted the words "and shall".

105. For sections 164 and 165, shall be substituted the three following sections:—

164. The Municipal Council may prescribe a line on each side of any public street within which, except under the provisions of section 169, no portion of any building abutting on the said street, shall, after such line has been prescribed, be constructed.

A line so prescribed shall be called "the regular line of the street."

165. (1) When any building or any part thereof which projects beyond the regular line of a public street falls down or is burnt down or is taken down under section 180 or otherwise, the Chairman may at once take possession on behalf of the Municipal Council of the portion of the land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same; the Chairman may also require such building or part thereof to be set back to the regular line of the street.

(2) The Municipal Council shall make reasonable compensation to the owner of such building for any damage which he may sustain by any action taken under sub-section (1).

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest as such in the Municipal Council.

165-A. The Municipal Council may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

106. (1) In clause (ii) of section 166, for the words "owner of every building", shall be substituted the words "owner or occupier of any building".

(2) In clause (iii) of the same section for the word "and", shall be substituted the word "or".

107. (1) In sub-section (1) of section 167, between the words "public street" and the words "shall be erected", shall be inserted the words "and no wall or fence bounding, or abutting on, any public street".

(2) In sub-section (2) of the same section, for the last fifteen words, shall be substituted the words "within a time to be specified in such notice, so as not to open outwards".

Cf. Section 61 of Act XVIII of 1889.

108. From sub-section (1) of section 168, the words "before the coming into operation of this Act" shall be omitted.

109. In sub-section (1) of section 169, for the first eleven words, shall be substituted the words "Every person"; for the words "the same" shall be substituted the words "any building or land in a public street"; and, for the words "the street", shall be substituted the words "such street".

110. In section 170, for the words "Municipal Council", shall be substituted the word "Chairman"; and, between the word "of" and the word "festivals", shall be inserted the word "fairs".

111. In section 171, for the words "Municipal Council", wherever they occur, shall be substituted the word "Chairman", and the following proviso shall be added:—"Provided that no person shall keep up the said hoarding or fences for a time longer than allowed in the said written license."

112. In sub-section (1) of section 172, for the ante-penultimate word "and", shall be substituted the words "or to".

113. For section 173, shall be substituted the following section:—

"173. No person shall make any hole, or cause any other obstruction, in any street, without the written permission of the Chairman. If such permission is granted, the person making such hole or obstruction shall, at his own expense, cause the same to be sufficiently fenced or otherwise enclosed until the hole is filled up or otherwise made secure or until the obstruction is removed, as the case may be, and shall, similarly, cause the same to be sufficiently lighted at night. If any person contravenes the provisions of this section, the Chairman may fill up the hole or remove the obstruction or cause the same to be lighted, as the case may be, and may recover the cost of so doing from such person."

114. After section 173, shall be inserted the following section:—

"173-A. If any obstruction is caused in a public street by the fall of trees, buildings or fences, the occupier of the building or land concerned shall, within twelve hours of the occurrence of such fall or within such further period as the Chairman may allow, clear the street of such obstruction; and, if the said occupier fails so to do, the Chairman may remove the obstruction, and may recover the cost of so doing from the owner or occupier. The occupier may recover from the owner all reasonable costs incurred by him under this section."

115. In section 176, for the words "if known and within the Municipality, and also the", shall be substituted the word "or"; for the words "to maintain and repair sufficient fences for, or trim the hedges of such land", shall be substituted the words "to construct and maintain sufficient fences for such land, or to trim the hedges thereof"; and for the word "Councillors", shall be substituted the word "Council."

116. From section 178, the last sentence, beginning with the words "provided always", shall be omitted.

117. (1) For section 180, shall be substituted the following section:—

"180. (1) Every person intending to construct, re-construct, or extend a well or a building (other than a mere wall) shall, six weeks before beginning to construct, re-construct or extend it, make an application in writing to the Municipal Council for a license to do so.

"(2) Such application shall be accompanied by such particulars as the Municipal Council may require under bye-laws framed in this behalf, and shall further be accompanied,—

(i) in the case of buildings, by—

(a) a plan or statement showing the dimensions of the building and the levels at which it is intended to lay the foundation and lowest floor; and

(b) a statement showing the means of ventilation and drainage and the privies which it is intended to provide; and,

Amendment of section 168.

Amendment of section 169.

Amendment of section 170.

Amendment of section 171.

Amendment of section 172.

New section substituted for section 173.

Holes and obstructions in streets not to be made without Chairman's permission.

Insertion of a new section after section 173.

Débris of fallen houses, &c., to be removed by occupier.

Amendment of section 176.

Amendment of section 178.

New section substituted for section 180.

Application to be made if well or building is to be constructed.

What is to accompany such application.

Cf. Section 235 of Bengal Act III of 1884.

Cf. Section 234 of Bengal Act III of 1884 and section 294 of Madras Act I of 1884.

Cf. Section 207 of Bengal Act III of 1884.



- (ii) in the case of wells, by a statement showing the dimensions of the well, the manner in which it is to be fenced and, if the well is to be used for drinking purposes, the means which it is intended to take to prevent pollution of the water.

Orders to be passed in six weeks.

“(3) Subject to the provisions of sub-section (4), the Municipal Council shall, within six weeks after receipt of the said application, give a license for the construction, re-construction or extension of the well or building in respect of which the application is made.

Council may refuse to grant license unless certain conditions complied with.

“(4) If the Municipal Council sees reason to object, in respect of a building, (a) to the proposed levels of the foundation or lowest floor, (b) to the proposed means for ventilation or drainage, (c) to the proposed latrine accommodation, or (d) to any particular given in respect of such building under bye-laws framed as aforesaid; or, if they see reason to object, in respect of a well, (a) to the proposed fencing, (b) to the proposed means of protection from pollution, or (c) to any particular given in respect of such well as aforesaid; they shall specify in the license the alterations in such levels, means, accommodation, fencing or particular which they consider to be necessary and the person to whom the license is granted shall be bound to carry out such alterations.

When applicant may proceed with work.

“(5) On receipt of the said license, or if, within the said period of six weeks, the Municipal Council have not granted a license, the applicant may proceed to construct, re-construct or extend, as the case may be, the building or well, in accordance with the particulars, plan (if any) and statement which accompanied his application.

Council may exempt huts from the provisions of this section and section 179.

“(6) The Municipal Council may exempt any hut or group of huts from the operation of this section and section 179.”

New section substituted for section 181. Chairman may stop construction, &c., of building or well.

**118.** For section 181, shall be substituted the following section:—

“181. The Chairman may at any time stop the construction, re-construction or extension of any building or well, if he considers that such construction, re-construction or extension endangers human life, or if it has been undertaken or is being carried out in contravention of the provisions of section 180.”

Insertion of two new sections after section 181.

Prevention of crowding of huts.

**119.** After section 181, shall be inserted the two following sections:—

“181-A. No hut or shed shall be built within fifty yards of any range, group or block of five or more huts or sheds without the permission in writing of the Municipal Council.

“The Municipal Council may refuse to grant permission or may require that such hut or shed shall be—

- built in such a position as they consider necessary for the purpose of ventilation and conservancy;
- provided with such number of privies and with such means of drainage as they consider necessary;
- built at such a level as will admit of drainage; and
- provided with a basement or plinth at least two feet above the level of the nearest public street or road.

Cf. Section 243 of Bengal Act III of 1884 and section 271 of Madras Act I of 1884.

Council may direct removal of hut built without permission.

“181-B. If any such hut or shed be built without the permission of the Municipal Council or otherwise than as required by the Council, the Municipal Council may give notice to the owner thereof or of the ground upon which the same is built or is being built, by affixing a notice to some conspicuous part of the hut or shed, to take down and remove the same within one month or to effect such alterations as the Municipal Council may deem necessary.”

Cf. Section 244 of Bengal Act III of 1884 and section 272 of Madras Act I of 1884.

Amendment of section 182.

**120.** In sub-section (1) of section 182, for the words “Municipal Council”, shall be substituted the word “Chairman”.

New section substituted for section 183.

**121.** For section 183, shall be substituted the following section:—

“183. (1) If any building or tree or thing attached thereto appears to the Chairman to be likely to fall or to be in any other way dangerous to the safety of any person or to the security of any building, he shall immediately cause such building, tree or thing to be fenced or otherwise secured in such manner as he thinks necessary and may recover the cost of so doing from the owner or occupier of the premises to which such building, tree or thing belongs.

Chairman shall provide temporarily for safety of ruinous buildings, &c.

“(2) The Municipal Council may also give notice to the owner or occupier of the premises to which such building, tree or thing belongs, requiring him, within a time to be specified in such notice, to take such further order with such building, tree or thing as they think necessary.”

Council may order owner or occupier of such building to take further steps.

**122.** After section 185, shall be inserted the following section:—

Insertion of a new section after section 185.

“185-A. If, after reasonable inquiry, it appears to the Municipal Council that there is no owner or occupier to whom notice can be given under section 183, 184 or 185, as the case may be, they may themselves take such order with the property mentioned in those sections as may appear to them to be necessary and may recover the expense incurred by them by the sale of such property (not being land) or of any portion thereof.”

Council may take action if there is no owner or occupier.

**123.** For sub-section (1) of section 186, the following shall be substituted:—

Substitution of a new sub-section for sub-section (1) of section 186.

“(1) The municipal council may, by general or special notice—

- direct the removal of prickly-pear growing within municipal limits;
- prohibit the planting of wild croton, prickly-pear, wattle, lantana or other noxious vegetation; or,
- require the owner or occupier of any building or land, which is in their opinion in a filthy, or unwholesome state, or which is overgrown with trees or with wild croton, wattle, lantana or other noxious vegetation to cleanse, clear, or otherwise put the same in a proper state within a time to be specified in such notice.”

Council may direct cleansing and clearing of filthy buildings and lands.

**124.** For section 188, shall be substituted the following section:—

New section substituted for section 188.

“188. (1) At any time, not being less than sixty days before the end of a financial year, the Municipal Council may notify by beat of drum and by notice in the District Gazette that, after the commencement of the following financial year, no place shall be used for any one or more of the purposes specified in the following clauses (a) to (g), unless a license authorizing such use has been obtained from the Chairman—

If Council so direct, certain trades shall not be exercised without license.

- for depositing or washing soiled clothes; or
- for boiling paddy, camphor or oil; or
- for melting tallow or sulphur; or
- for storing, or otherwise dealing with, manure, offal, blood, bones, rags, hides, fish, horns, or skins; or
- for washing or drying wool, or hair; or
- for making fish-oil; or
- as a soap-house, dyeing-house, dyeing yard, oil-mill, oil-press, brick-kiln, pottery-kiln or lime-kiln; or
- as a sago manufactory, distillery, manufactory of artificial manure or other manufactory from which offensive or unwholesome smells arise; or
- as a gunpowder manufactory or manufactory of fire-works; or
- for the storage of explosive or combustible materials; or
- for purposes which are likely to be dangerous to human life or health or to property; or
- as a livery stable, veterinary infirmary, cart-stand or cattle shed or as horse-lines; or



- (m) as a public halting place; or  
 (n) for keeping together twenty or more sheep or goats or ten or more pigs or head of cattle; or  
 (o) for the preparation of flour or articles made of flour; or  
 (p) as a manufactory of ice or of aerated waters; or  
 (q) for the sale or storage of timber, firewood, thatching materials, hay, grass, straw, fibre or coal, or of milk or dairy produce.

"Provided that no license shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre or coal, or of milk or dairy produce, for private use, in such quantities and under such restrictions for safety as the Chairman may direct.

Licenses to be applied for thirty days in advance.

"(2) After the issue of a notification under sub-section (1), the following provisions shall apply in respect of all places used for any of the purposes mentioned in the notification, namely:—

- (i) every person intending to open newly any such place shall, not less than thirty days before opening it, apply to the Chairman for a license to do so;  
 (ii) the owner or occupier of every place falling under clauses (a) to (p) of sub-section (1) and the occupier of every place falling under clause (q) of that sub-section who intends to continue to use it for any of the said purposes shall, not less than thirty days before the expiry of a financial year, apply to the Chairman for a license to continue to so use it during the following financial year.

Chairman may grant, refuse or cancel license.

"(3) The Chairman may, at his discretion, grant any license applied for under this section either unconditionally or subject to such rules as to supervision and inspection and to such conditions as to conservancy and other matters as he thinks proper; or he may refuse to grant any such license. He may also at any time suspend, cancel or modify any license which has been granted under this section.

Licenses expire at end of year.

"(4) Every license granted under this section shall expire at the end of the financial year in which the place in respect of which the license has been granted is newly opened, or at the end of the financial year for which it has been granted, as the case may be; unless, for special reasons, the Chairman considers that it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein.

When applicant may use place without license.

"(5) If the Chairman neglects to pass orders upon an application for a license under this section and to communicate the same to the applicant within thirty days after the receipt of the application, the applicant may open the place in respect of which the application was made or, as the case may be, may continue to use the same held to be duly licensed for the financial year during which it was opened or for which the license was sought, as the case may be.

Orders of Chairman subject to appeal.

"(6) Every order passed by the Chairman under this section attaching conditions to the grant of a license or refusing, suspending, cancelling or modifying a license shall be in writing and shall state the grounds on which it proceeds, and any person aggrieved by such order may, within one month after receipt of such order, appeal to the Municipal Council who shall pass such orders thereon as they deem fit."

Amendment of section 189.

125. From section 189 shall be omitted the last twenty words.

Amendment of section 190.

126. (1) In section 190, at the beginning, shall be inserted the figure "(1)"; and between the word "cart-stand" and the word "or", shall be inserted the words "public landing-places".

New sub-sections added.

(2) To the same section shall be added the following sub-sections:—

In default of payment for use of cart-stand, property liable to seizure.

"(2) If, upon demand by the person authorized to collect, on behalf of the Municipal Council, fees for the use of any such cart-stand, landing-place or halting-sections 95 and 96 shall, *mutatis mutandis*, apply.

"(3) A statement, in English and a vernacular language of the district, of the fees prescribed by the Municipal Council for the use of cart-stands, public landing-places and public halting-places shall be put up in a conspicuous part of every place where they are leviable".

Table of fees to be put up.

127. In sub-section (2) of section 191, for the words "the flesh thereof", shall be substituted the words "any flesh intended for food".

Amendment of section 191.

128. After section 193, shall be inserted the following section:—

Insertion of a new section after section 193. Council may declare a place to be a market.

"193-A. The Municipal Council may declare any place ordinarily used for the sale of meat, fish, fruit, grain, vegetables or other perishable articles of food, or for the sale of live stock or poultry, to be a market; provided that no such declaration shall be made in respect of any single shop or of any group of shops not being more than three in number, and that any such declaration may at any time, but subject to the provisions of sub-section (2) of section 194, be cancelled by the Municipal Council."

129. (1) From sub-section (1) of section 194, shall be omitted the word "tolls" and also the words "by a resolution passed at a meeting determine to provide places within the Municipality for the purpose of being used as public markets, and the Municipal Council may"; and, in the same sub-section, for the words "such markets", shall be substituted the words "public markets".

Amendment of section 194.

(2) From sub-section (2) of the same section, shall be omitted the words "determine to".

(3) In sub-section (3) of the same section for the words "Municipal Council" shall be substituted the word "Chairman".

New section substituted for section 196.

130. For section 196, shall be substituted the following section:—

"196. (1) No place shall be used as a private market, unless the Municipal Council have granted a license so to use it.

Private markets to be licensed.

(2) Applications for licenses to open newly, or to continue to use, private markets shall be made by the owners thereof not less than thirty days before they open them or before the commencement of the financial year during which they intend to continue to use them, as the case may be.

Applications for licenses to be made thirty days in advance.

(3) The Municipal Council may, at their discretion, grant any license applied for under this section either unconditionally or subject to such rules as to supervision and inspection and to such conditions as to conservancy and other matters as they think proper; or they may refuse to grant any such license. They may also at any time suspend, cancel or modify any license which has been granted under this section.

Council may grant, refuse or cancel licenses.

(4) When a license to open a market is granted or when a license is refused, suspended, cancelled or modified under this section, the Municipal Council shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and a vernacular language of the district, to be posted in some conspicuous place at or near the entrance to the place in respect of which the license was sought.

Notice of grant, &c., of licenses to be posted up.

(5) Every license granted under this section shall expire at the end of the financial year in which the market in respect of which the license has been issued is newly opened, or at the end of the financial year for which it has been granted, as the case may be.

Licenses to expire at end of year.

(6) If the Municipal Council neglect to pass orders upon an application for a license under this section and to communicate the same to the applicant within thirty days after the receipt of the application, the applicant may open the place in respect of which the application was made or, as the case may be, may continue to use such place during the financial year for which the license was sought; and the said place shall be held to be duly licensed for the financial year during which it was opened or for which the license was sought, as the case may be."

When market may be used without license.

131. For section 197, shall be substituted the following section:—

New section substituted for section 197.

Cf. section 339 of Bengal Act III of 1884.



"197. Every person who sells, or exposes for sale, any article in an unlicensed private market shall be liable to a fine not exceeding twenty rupees.

*Explanation.*—A market is unlicensed within the meaning of this section, if the license for the use thereof has expired or has been cancelled or suspended."

**132.** In section 200, for the words "any market for the sale of any animal or vegetable food or drink within the Municipality", shall be substituted the words "any private market"; and between the words "construct such" and the word "drains", shall be inserted the words "approaches, entrances, passages, gates".

**133.** (1) In sub-section (1) of section 201 for the words "during which such market or place is so opened or kept open", shall be substituted the words "on which he is convicted of having opened or kept open such market or place".

(2) In sub-section (2) of the same section, between the word "any" and the word "market", shall be inserted the word "such".

**134.** In section 202, for the words "any market", shall be substituted the words "any private market in respect of which no license has been applied for, or any private market".

**135.** (1) In sub-section (1) of section 204, for the words "Municipal Council", shall be substituted the word "Chairman"; and, for the word "them", shall be substituted the word "him".

(2) In sub-section (2) of the same section, for the words "Municipal Council", shall be substituted the word "Chairman"; the words "they or" shall be omitted; and for the last nine words, shall be substituted the words "may cause them to be produced before any Magistrate".

(3) In sub-section (4) of the same section, for the words "upon the Municipal Council", shall be substituted the words "directing the Chairman"; and between the words "to pay to him" and the word "such", shall be inserted the words "from the Municipal Fund".

**136.** In section 205, for the words "Municipal Council" shall be substituted the word "Chairman"; and, for the word "them", shall be substituted the word "him".

**137.** After section 205, shall be inserted the following section:—

"205-A. The person in charge of a public or private market shall expel therefrom any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any article exposed for sale therein, and he may expel therefrom any person who is creating a disturbance therein."

**138.** From section 208, shall be omitted the last twenty words.

**139.** For section 209, shall be substituted the following section:—

"209. The Chairman may, subject to the approval of the Municipal Council, contract with the owner or occupier of any building or land to construct or repair any drain, privy, sink-pit or cess-pool therein or thereon, upon such terms and subject to such conditions as the Chairman may think fit."

**140.** For sub-section (1) of section 210, shall be substituted the following sub-section:—

"(1) All drainage works in the Municipality shall be constructed and conserved under the directions of the Municipal Council."

**141.** In section 213, at the beginning, shall be inserted the words "Subject to the provisions of section 209".

**142.** After section 213, shall be inserted the two following sections:—

"213-A. The Municipal Council of any Municipality wherein there is a system of general drainage may, by notice, require the owner of any building or land, or the owners of any group of buildings or lands, to construct a drain of such description as the Municipal Council may direct, so as to connect such building or land, or such group of buildings or lands, with any other drain or with any place set apart by the Municipal Council for the disposal of sewage or drainage.

"Provided that—

- (i) no requisition shall be made under this section on any person who is entitled under sub-section (5) of section 63 to claim exemption from the taxes on buildings and lands;
- (ii) no person or persons shall be required under this section to carry a drain to a distance of more than one hundred feet beyond the extreme limits of the building or land, or group of buildings or lands, as the case may be, which it is intended to drain by means thereof;
- (iii) no person or persons shall be required under this section to expend upon a drain a sum exceeding five times the amount payable annually by him or them under section 63 on account of the building or land or group of buildings or lands, as the case may be, which it is intended to drain by means of such drain; and, if any sum in excess of the said amount is expended, the excess shall be borne by the Municipal Council.

*Explanation.*—In the case of buildings and lands exempt from taxation under sub-section (1) of section 63, the amount which would be payable under section 63, if such buildings and lands were not so exempt, shall be deemed to be the amount payable on account thereof for the purposes of the third proviso to this section.

"213-B. For the purpose of ventilating any drain or cess-pool, the Municipal Council may erect, or may affix to the outside of any building, such pipes as they think necessary. Such pipes shall be carried to a height of not less than six feet above the highest parts of all adjacent buildings and shall be so constructed as to cause no inconvenience or annoyance to persons dwelling in the neighbourhood."

**143.** In sub-section (2) of section 214 for the words "to alter, repair, cleanse and put the same in good order, in the manner required by the Municipal Council", shall be substituted the words "to close or demolish it or to alter or repair it in such manner as the Municipal Council may think necessary".

**144.** For sections 216 to 222 inclusive shall be substituted the following sections:—

"216. The Municipal Council shall, so far as the funds at their disposal permit, make arrangements for—

- (a) the regular sweeping and cleansing of the streets;
- (b) the regular removal from latrines and private houses of night-soil, the carcasses of animals and other offensive matter; and
- (c) the regular removal from dustbins and private houses of dust, ashes, kitchen-refuse and other similar inoffensive matter;

and with this object, they shall, so far as the funds at their disposal permit, provide—

- (i) depôts for the deposit of street sweepings, of night-soil, the carcasses of animals and other offensive matter, and of dust, ashes, kitchen-refuse and other similar inoffensive matter;
- (ii) covered vehicles or vessels for the removal of night-soil and other offensive matter;
- (iii) vehicles or other suitable means for the removal of the carcasses of large animals and of dust, ashes, kitchen-refuse and other similar inoffensive matter; and
- (iv) dust-bins for the temporary deposit of dust, ashes, kitchen-refuse and other similar inoffensive matter."

Penalty for selling in unlicensed private market.

Amendment of section 200.

Amendment of section 201.

Amendment of section 202.

Amendment of section 204.

Amendment of section 205.

Insertion of a new section after section 205. Certain persons may be expelled from market.

Amendment of section 208.

New section substituted for section 209.

Chairman may contract to construct drains, &c.

New sub-section substituted for sub-section (1) of section 210.

Drainage works to be constructed under direction of Municipal Council. Amendment of section 213.

Cf. section 122 of Act XX of 1891 (Punjab).

Insertion of two new sections after section 213.

Where general drainage system exists, council may require, subject to certain provisos, that private persons shall construct drains.

Council may erect ventilating pipes.

Amendment of section 214.

New sections substituted for sections 216 to 222. Council to arrange for the removal of night-soil, rubbish, &c.



Council may order provision of night-soil receptacles.

"217. (1) The Municipal Council may, by notification, require all occupiers of buildings within the Municipality or any part thereof, with whom no contract for removal of night-soil or other offensive matter has been made under section 218, to provide, within a period to be specified in such notification, moveable receptacles of a kind to be similarly specified, for the temporary deposit of night-soil or other offensive matter and may, further, require that such receptacles shall be in readiness, screened from public view, for the removal of the contents thereof, free of charge, by the Municipal servants, at such time or times daily as the Municipal Council may think proper.

Cf. sections 309 and 311 of Madras Act I of 1884.

On failure to comply, council shall provide at cost of occupier.

(2) After the expiration of the period specified in the said notification, the Municipal Council shall provide receptacles for all persons who have failed to comply with the notification and may recover the cost thereof from such persons. Provided that the Municipal Council shall, in the case of all occupiers of buildings the annual value whereof is not more than six rupees, supply the said receptacles at the cost of the Municipal Fund."

Cf. section 310 of Madras Act I of 1884.

Cleansing of private latrines, &c.

"218. The Chairman may contract with the occupier of any building or land to remove night-soil from latrines or cesspools therein or thereon, or to remove any other offensive matter or rubbish generally from such building or land, on such terms suitable and on payment of fees at such rate or rates as the Municipal Council may have prescribed with the approval of the Governor in Council."

Penalty for improper disposal of filth, &c.

"219. Every person who, after due provision has been made under section 216 by the Municipal Council for the deposit and removal of the same,

Cf. section 313 of Madras Act I of 1884.

- (i) deposits night-soil, the carcasses of animals or other offensive matter, or dust, ashes, kitchen-refuse or other similar inoffensive matter in any street, or on the verandah of any building, or on any unoccupied ground alongside any street, or on any public quay, jetty, or landing place, or on the bank of a water-course or tank, or, without the consent of the owner or occupier thereof, in or on any private property; or
- (ii) deposits night-soil, the carcasses of animals or other offensive matter in any dust-bin or in any vehicle not intended for the removal of the same; or
- (iii) deposits any matter other than night-soil or other offensive matter in any vehicle or vessel intended for the removal of night-soil and other offensive matter;

shall be liable to a fine not exceeding ten rupees for each such offence.

"Provided that no person shall be liable to such fine by reason that he has mixed dry-earth, sand, ashes or any other substance with night-soil or other offensive matter for the purpose of deodorizing or disinfecting it."

Penalty for failure to deposit night-soil in receptacle.

"220. Every person who, after a receptacle has been provided as required in section 217, fails to deposit therein all night-soil and other offensive matter or to keep the same in readiness, screened from public view, at the times fixed by the Municipal Council, or deposits in such receptacle any matter other than night-soil or other offensive matter, shall, subject to the proviso to section 221, be liable to a fine not exceeding ten rupees for each such offence."

Penalty for keeping night-soil, &c., on premises.

"221. Every occupier of a building or land who keeps, for more than twenty-four hours, or otherwise than in a proper receptacle, any night-soil or other offensive matter in such building, or on the roof thereof, or in any out-building or yard, or on any pavement or verandah attached or belonging to such building, or on such land, shall be liable to a fine not exceeding twenty rupees for each such offence.

Magistrate may direct that culprit shall accept Municipal service.

"Provided that it shall be lawful for the Magistrate by whom a person is convicted of an offence under this section, in lieu of imposing a fine, to direct that, for a period to be fixed by him, but not exceeding one year, the Municipal Council shall arrange to remove night-soil and other offensive matter from the building or land concerned and that the said person shall pay to the Municipal Council, in return for the performance by them of this duty, such fees as might have been collected from him if he had entered into a voluntary contract under section 218."

Cf. section 314 of Madras Act I of 1884.

"222. Every occupier of a building or land who allows the water from any sink, drain, privy or stable or any other offensive liquid-matter to flow out of such building or land into any portion of a street except a drain or to flow out of such building or land in such a manner as to cause an avoidable nuisance by the soakage of the said water or other liquid-matter into the ground at the side of a drain forming a portion of a street, shall be liable to a fine not exceeding ten rupees for each such offence."

Penalty for allowing outflow of offensive liquid.

145. In section 223, between the word "or" and the word "spills", shall be inserted the words "intentionally or negligently."

Amendment of section 223.

146. After section 225 shall be inserted the following section:—

Insertion of a new section after section 225.

Cf. section 158 of Act XX of 1891 (Punjab).

"225-A. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth, or refuse of any kind, shall be punishable with fine which may extend to fifty rupees."

Penalty for feeding dairy animals on deleterious substances.

147. In sub-section (2) of section 226 for the words "each day after such date during which such overcrowding continues" shall be substituted the words "every day after such date upon which he is convicted of having permitted such overcrowding to continue."

Amendment of section 226.

148. For section 227, shall be substituted the following section:—

New section substituted for section 227.

"227. The Municipal Council shall maintain in a cleanly condition all wells, tanks and reservoirs which are not private property and may fill them up or drain them when it appears necessary so to do. Provided that no such well, tank or reservoir shall be filled up with any material except building-débris, or clean soil, gravel or sand."

Municipal Council to maintain certain wells, &c., in good order.

149. In sub-section (1) of section 228, for the words "or prove injurious to the health of the neighbourhood," shall be substituted the words "or to prove injurious to the public health."

Amendment of section 228.

150. After section 228 shall be inserted the following section:—

Insertion of a new section after section 228.

Cf. section 134 of Act XX of 1891 (Punjab). Cf. section 81 of Act XVIII of 1889 (Central Provinces). Cf. section 103 of Act XVII of 1884 (Burma).

"228-A. (1) The Municipal Council, on the report of the Sanitary Commissioner that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner in any place within the limits of the Municipality, is injurious to the public health, may, with the previous sanction of the Governor in Council, by notification, prohibit the cultivation of the crop, the use of the manure, or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury.

Council may in certain cases prohibit cultivation within Municipal limits.

(2) When, on any land to which the notification applies, that description of crop has been cultivated, that kind of manure has been used, or irrigation has been practised in that manner, during the five years preceding the notification, with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the Municipal Fund to all persons interested in that land for any damage caused to them by the prohibition or regulation."

Compensation to be given in certain cases.

151. After section 230, shall be inserted the following section:—

Insertion of a new section after section 230.

Section 336 of Madras Act I of 1884.

"230-A. Whoever, within any Municipality, keeps pigs so as to be a nuisance, shall be liable to a fine not exceeding ten rupees."

Penalty for keeping pigs so as to be a nuisance.

152. (1) From sub-section (1) of section 231, shall be omitted the words "epidemic, endemic, or."

Amendment of section 231.

(2) From sub-section (3) of the same section, shall be omitted the words "owner or," where they first occur; and, for the proviso to the same sub-section, shall be substituted the following proviso:—

"Provided that, if the Chairman considers that immediate action is necessary or that the occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the said Chairman may himself cause such building, premises or articles to be cleansed or disinfected, and, for this purpose, may cause



such articles to be removed from such building or premises; and the expenses incurred by the Chairman under this sub-section shall be recoverable from the said occupier unless he was, by reason of poverty, unable effectually to comply with the said requisition."

153. After section 231, shall be inserted the following section:—

"231-A. Every person who, without previous disinfection of the same, gives, lends, sells, transmits or otherwise disposes of anything which he knows or has reason to believe to have been exposed to the infection of a dangerous infectious disease, shall be liable to a fine not exceeding fifty rupees.

"Provided that nothing in this section shall be deemed to apply to a person who transmits anything with proper precautions for the purpose of having the same disinfected."

154. (1) In sub-section (1) of section 232, for the word "may," where it first occurs, shall be substituted the word "shall;" and at the end, shall be inserted the words "or disinfected."

(2) In sub-section (2) of the same section, between the word "retain" and the word "infection," shall be inserted the word "such;" and, for the words "may, in his discretion," shall be substituted the words "shall, on demand."

155. After section 232, shall be inserted the following section:—

"232-A. If the Chief Medical officer of the district certifies that the water in any well, tank or other place within the limits of the municipality is likely, if used for drinking, to engender or cause the spread of any dangerous disease, the Municipal Council may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a period to be specified in such order."

156. In section 233, before the word "medical," where it first occurs, shall be inserted the word "certificated," and between the word "practitioner" and the word "direct," shall be inserted the words "arrange for or."

157. After section 233, shall be inserted the three following sections:—

"233-A. Every person suffering from a dangerous infectious disease who, without proper precaution against spreading such disease, causes himself to be conveyed in a public conveyance and every person in charge of or accompanying a patient so conveyed, and

"Every person knowing himself to be suffering from any dangerous infectious disease who enters a public conveyance without previously notifying to the owner or driver that he is so suffering,

"shall be liable to a penalty not exceeding fifty rupees, and to an additional fine of such amount as the Magistrate shall deem sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting such conveyance.

"The amount of any additional fine so imposed shall be awarded by the Magistrate to the owner or driver of the said conveyance. Provided that, if the fine is imposed in a case which is subject to appeal, no such award shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

"At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum which the plaintiff shall have received under this section."

"233-B. No owner or driver of a public conveyance shall be required to convey any person suffering as aforesaid, without payment or tender of a sum sufficient to cover such loss and costs as aforesaid, anything in any Act relating to public conveyances for the time being in force to the contrary notwithstanding."

"233-C. Every person knowingly letting a house or other building or part of a house or building in which any person has been suffering from a dangerous infectious disease, without having such house or other building or part thereof and all articles therein liable to retain infection disinfected to the satisfaction of the Chairman, shall be liable to a penalty not exceeding two hundred rupees.

Insertion of a new section after section 231. Penalty for selling, &c., infected article.

Amendment of section 232.

Insertion of a new section after section 232.

Council may prohibit use of uncleanly wells and tanks.

Amendment of section 233.

Insertion of three new sections after section 233. Penalty for travelling in public conveyance while suffering from disease.

Owner, &c., of public conveyance not bound to carry person suffering from disease. Penalty for letting infected house.

Cf. section 374 of Madras Act I of 1884.

Cf. section 141 of Act XX of 1891 (Punjab).

Cf. 375 of Madras Act I of 1884.

Cf. 376 of Madras Act I of 1884.

Cf. 377 of Madras Act I of 1884.

"For the purpose of this section a hotel or lodging-house keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house."

158. In sub-section (1) of section 234, for the words "may by a resolution at a meeting determine to", shall be substituted the word "shall"; and, for the words "or burning", shall be substituted the words "and burning".

159. From sub-section (2) of section 235, shall be omitted the words "determine to".

160. In section 238, for the word "and" shall be substituted the word "or".

161. In clause (iii) of section 241 the word "Chairman" shall be substituted for the words "Municipal Council".

162. After section 248, shall be inserted the following section:—

"248-A. At any time within one year after the birth of a child, any adult relative of the child may require the Registrar to enter in the Register of Births the name of such child."

163. (1) In sub-section (1) of section 249, for the words "and if", shall be substituted the words "or if"; and, at the end, shall be inserted the words, "and whoever refuses or neglects so to sign or mark shall be liable to a fine not exceeding five rupees".

(2) In sub-section (4) of the same section, between the word "may" and the word "require", shall be inserted the words "on payment of a further fee of eight annas"; and the last sentence, beginning with the words "A fee", shall be omitted.

(3) To the same section, shall be added the following sub-section:—

"(5) The Registrar shall have the custody of the Registers of Births and Deaths for the Municipality or district thereof for which he has been appointed; and all extracts therefrom given under this section shall be certified by him as provided in section 76 of the Indian Evidence Act, 1872, and may be produced in proof of the entries of which they purport to be copies".

164. (1) From sub-clause (v) of clause (a) of sub-section (1) of section 250, shall be omitted the word "and", where it last occurs; after the same sub-clause, shall be inserted the following sub-clause:—

"(vi) the conduct of inquiries relating to elections, and"; and the present sub-clause (vi) shall be numbered as sub-clause (vii).

(2) In clause (c) of the same sub-section, before the word "appointment", shall be inserted the word "qualifications"; and between the word "suspension" and the word "and", shall be inserted the word "reduction".

(3) The word "and" at the end of clause (l) shall be omitted and the present clause (m) of the same sub-section shall be altered into clause (n), and the following inserted as clause (m):—

"(m) As to the interpellation of the Chairman by the Municipal Councillors; and",

(4) For sub-section (2) of the same section, shall be substituted the following sub-section:—

"(2) All persons who have been authorized by the Governor in Council under sub-section (1) to conduct inquiries relating to elections shall have, for the purposes of such inquiries, the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon Revenue officers by Madras Act III of 1869 (An Act to empower Revenue officers to summon persons to attend at their cutcherries for the settlement of matters connected with Revenue administration) and the provisions of sections 2, 3, 4 and 5 of that Act shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section and all persons to whom summonses are issued by virtue of the said powers shall be legally bound to obey such summonses."

(5) For sub-section (3) of the same section, shall be substituted the following sub-section:—

Amendment of section 234.

Amendment of section 235.

Amendment of section 238.

Amendment of section 241.

Insertion of a new section after section 248. Registry of birth of child.

Amendment of section 249.

New sub-section added.

Custody of Birth and Death Registers.

Amendment of and addition to section 250.

Sub-section (2) replaced.

Power to summon witnesses for purposes of election inquiries.

Sub-section (3) replaced.



Rules, &c., to have force of law.

Insertion of new section after section 250.

Assessment and account books to be open to inspection.

Amendment of section 252.

Amendment of section 254.

Substitution of a new clause for clause (iii) of sub-section (1) of section 255.

Amendment of sub-section (4) of section 255.

Amendment of section 256.

Amendment of section 260.

New section substituted for section 261.

No action to be brought against Municipal Council, &c., without one month's notice.

If tender of compensation made, award to be limited.

Actions to be commenced within six months.

"(3) The rules made and the forms framed by the Governor in Council under this section shall have the force of law."

165. After section 250 shall be inserted the following section:—

250-A. (1) The assessment books of the Municipality shall be open at all reasonable times and without charge to inspection by any tax-payer or his authorized agent.

(2) The account books of the Municipality shall be open without charge to inspection by any tax-payer on a day or days in each month to be fixed by the Municipal Council."

166. To section 252, at the end, shall be added the words "at the cost of the Municipal Fund".

167. In section 254, after the word "Act", where it first occurs, shall be inserted the words "or of any particular Municipality or Municipalities;" and, after the word "Act", where it last occurs, shall be inserted the words "or out of the funds of the particular Municipality or Municipalities concerned".

168. (1) For clause (iii) of sub-section (1) of section 255, shall be substituted the following clause:—

"(iii) for the management of markets, slaughter-houses, burial or burning grounds and offensive trades; for regulating or prohibiting the planting of trees; and, generally, for the management of all matters connected with conservancy";

(2) From sub-section (4) of the same section, shall be omitted the words "until they are cancelled or altered".

169. (1) From sub-section (1) of section 256, shall be omitted the words "in such manner as may in his or their opinion be sufficient for giving information to persons interested therein".

(2) In sub-section (2) of the same section, between the word "operation" and the word "until", shall be inserted the words "(unless the Governor in Council shall, for any special reason, otherwise direct)".

170. From the proviso to section 260, shall be omitted the words "incorporated or registered"; and, at the end of the same proviso, shall be added the words "unless he is a Director of such company".

171. For section 261, shall be substituted the following section:—

"261. (1) No action shall be brought against the Municipal Council, or against any Municipal Councillor or servant, or against any person acting under the directions of the Municipal Council, or of a Municipal Councillor or servant, on account of any act done, or purporting to be done, in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, until the expiration of one month after notice in writing has been delivered or left either at the office of the Municipal Council, or at the place of abode of such Municipal Councillor or servant or of such person, explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the intended plaintiff; and, unless such notice be proved to have been so delivered or left, the Court shall find for the defendant.

"(2) If the Municipal Council, Municipal Councillor or servant or other person to whom notice is given as provided in sub-section (1) shall, before action is commenced, have tendered sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered. The plaintiff shall also pay all costs incurred by the defendant after such tender.

"(3) No action such as is described in sub-section (1) shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be commenced otherwise than within six months next after the accrual of the cause of action.

"(4) No action shall be brought against the Chairman on account of any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged default on his part in the execution of this Act, if such act was done or if such default was made in good faith; but all such actions shall, so far as they are maintainable in a Court, be brought against the Municipal Council, except when the action is brought by the Municipal Council or the Secretary of State for India in Council under section 259 on account of anything done by the Chairman himself".

172. (1) For sub-sections (1) and (2) of section 262, shall be substituted the following sub-sections:—

"(1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing or (c) in respect of the amount assessed, demanded or charged; provided that the provisions of this Act have been, in substance and effect, complied with. And no proceedings under this Act shall, for defect in form, be quashed or set aside by any Court of Justice.

"(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money, made under the said authority; provided that the provisions of this Act have been, in substance and effect, complied with."

(2) In sub-section (3) of the same section, for the word "distress", wherever it occurs, shall be substituted the word "distrain".

173. For section 263, shall be substituted the following section:—

"263. If, under this Act, the license or written permission of the Chairman or the Municipal Council is necessary for the doing of any act in respect of any property, moveable or immoveable, public or private, and if such act is done (a) without such license or permission, or (b) in a manner inconsistent with the terms of such license or permission; then

- the Municipal Council may, by notice, require the person so doing such act to alter, remove, or, as far as practicable, restore to its original state the whole, or any part, of such property, within a time to be specified in such notice; and, further,
- if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable, on conviction before a Magistrate, to a fine, not exceeding fifty rupees, for every such offence."

174. (1) For section 264, shall be substituted the following section:—

"264. (1) If a notice has been given under the provisions of this Act to any person, requiring him to execute any work in respect of any property, moveable or immoveable, public or private, or to provide or do or refrain from doing anything, within a time specified in the notice, and if such person fails to comply with such notice; then, subject to the provisions of sections 213-A and 217,

- the Municipal Council may cause such work to be executed, or such thing to be provided or done, and may recover all reasonable expenses incurred by them on such account from the said person; and, further,
- if no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall be liable, on conviction before a Magistrate, to a fine, not exceeding twenty rupees, for every such offence.

Action not to be brought against Chairman.

New sub-sections substituted for sub-sections (1) and (2) of section 262.

Assessment, &c., not to be impeached.

No suit for recovery of sums collected.

Amendment of sub-section (3) of section 262. New section substituted for section 263.

Consequence of failure to obtain license, &c., or breach of same.

New section substituted for section 264. Failure to comply with notice.



"(2) The Municipal Council, in causing, under sub-section (1), any work to be executed or anything to be provided or done, may utilize any materials found on the property concerned or may sell them and apply the sale-proceeds towards the payment of the expenses incurred by them on this account."

**175.** After section 264, shall be inserted the following section :—

"264-A. Where by this Act or by any order or notice issued thereunder, the public or any person is required to do or to refrain from doing anything, any person who fails to comply with such requisition shall, if no penalty has been specially provided in this Act for such failure, be liable on conviction by a Magistrate to a fine not exceeding twenty rupees for every such failure."

**176.** For section 265, shall be substituted the following section :—

"265. (1) If the person to whom the notice mentioned in section 264 has been given is the owner of the property in respect of which it is given, the Municipal Council may (whether any action or other proceeding has been brought or taken against such owner or not), require the person, if any, who occupies such property, or any part thereof, under such owner, to pay to the Municipal Council, instead of to the owner, the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 264, or to such smaller amount as the Municipal Council may think proper; and any amount so paid shall be deducted from the amount payable by the said owner."

"(2) For the purpose of deciding whether action should be taken under sub-section (1), the Municipal Council may require any occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information."

**177.** After section 266, shall be inserted the following section :—

"266-A. If the occupier of any building or land makes, on behalf of the owner thereof, any payment for which, under this Act, the owner, but not the occupier, is liable, such occupier may recover the amount so paid by him, by deducting the same from the rent payable by him in respect of such building or land to such owner."

**178.** After section 267, shall be inserted the following section :—

"267-A. Except when otherwise provided by this Act every license issued or permission granted under this Act shall specify a period during which it shall remain in force."

**179.** For section 269, shall be substituted the two following sections :—

"269. All expenses incurred by the Chairman or the Municipal Council and recoverable by him or them, and all rents (not being rents for vacant lands or for buildings demised by the Municipal Council under section 177), fees, tolls and other payments due to the Municipal Council under the provisions of this Act, or under any bye-law made under section 255, or under any contract made in accordance with section 147, 209 or 218, shall, if there is no special provision for their recovery contained in this Act, be recoverable as if they were taxes due to the Municipal Council under this Act."

"269-A. No distraint shall be made, no suit shall be instituted, and no prosecution shall be commenced under section 103, in respect of any sum due to the Municipal Council under this Act, after the expiration of a period of three years from the date upon which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such sum."

Cf. section 122 of Act XVIII of 1889 (Central Provinces).

Cf. latter part of sections 423 and 425 of Madras Act I of 1884.

**180.** In section 270, for the last five words, shall be substituted the words "credited to the Municipal Fund; and no suit shall lie for recovery of any sum so credited".

**181.** In sub-section (4) of section 271, between the word "shall" and the word "be," shall be inserted the words "in the absence from this Act of any distinct provision to the contrary".

**182.** For sub-section (2) of section 272, shall be substituted the following sub-section :—

"(2) Whenever, by this Act, an obligation is imposed upon the 'owner or occupier' of any property, the obligation shall rest upon the owner in the first instance and upon the occupier, only when the owner cannot be found or is not resident within Municipal limits."

**183.** In sub-section (2) of section 273, for the words "during which he so continues to refuse," shall be substituted the words "upon which he is convicted of having continued so to refuse permission."

**184.** In sub-section (1) of section 274, for the words "Municipal Council" shall be substituted the words "Chairman or any person authorized by him in this behalf"; and the words "by themselves or their servants" be omitted.

**185.** (1) In sub-section (1) of section 275, for the words "Municipal Council or their servants", shall be substituted the words "Chairman or any person authorized by him in this behalf".

(2) In sub-section (2) of the same section, for the words "Municipal Council", shall be substituted the words "Chairman or the person authorized by him as aforesaid"; for the words "hereby granted to them", shall be substituted the words "conferred by sub-section (1)"; and, between the word "and" and the word "shall", where these words first occur, shall be inserted the words "the Municipal Council".

(3) In sub-section (3) of the same section, for the words "Municipal Council make", shall be substituted the words "Chairman or the person authorized by him as aforesaid makes"; for the word "they", shall be substituted the word "he"; and, for the word "their", shall be substituted the word "his".

**186.** In section 276, for the first five words, shall be substituted the words "Whenever the Chairman or the Municipal Council shall have"; for the word "prohibit", shall be substituted the words "shall have prohibited"; and, between the word "place" and the word "they", shall be inserted the words "he or".

**187.** For clause (i) of sub-section (1) of section 277, shall be substituted the following clause :—

"(i) obstructs or molests the Municipal Council, or any Municipal Councillor, or any person employed by them or him, or any person with whom they or he have contracted under the provisions of this Act, in the performance of their or his duty, or prevents, or tries to prevent, any person from doing any thing which he is empowered or required to do by virtue of this Act, or".

**188.** In section 278, for the words "or their", shall be substituted the words "the Chairman, or the Municipal".

**189.** In section 279, for the figures "1870", shall be substituted the figures "1894".

**190.** For section 280, shall be substituted the following section :—

"280. No person shall be tried for any offence against the provisions of this Act or of any by-law made under section 255 except upon complaint made by the police, or by the Municipal Council, or by the Chairman, or by a person expressly authorized in this behalf by the Municipal Council or the Chairman. But



nothing herein contained shall affect the provisions of section 191 of the Code of Criminal Procedure, 1882, in regard to the power of certain Magistrates to take cognizance of offences upon information received, or upon their own knowledge or suspicion."

**191.** For section 281, shall be substituted the following section:—

"281. If any person, through any act, neglect or default whereby he has become liable to a fine under this Act, has caused any damage to the property of the Municipal Council, the said person shall be liable to compensate the Municipal Council for such damage; and the Magistrate before whom he is being prosecuted in respect of such act, neglect or default shall, upon application in this behalf by the Chairman, assess the amount of such compensation."

*Cf. section 447 of Madras Act I of 1884.*

**192.** After sub-section (3) of section 282, shall be inserted the following sub-section:—

"(4) Upon the recommendation of the Municipal Council, any servant of the municipality or any class of such servants may be empowered by the Governor in Council to exercise the powers of a police officer for the purposes of this Act."

**193.** After section 282, shall be inserted the following section:—

"282-A. (1) In the absence of a written contract to the contrary, every scavenger employed by a Municipal Council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it."

*Cf. section 203 of Act XX of 1891 (Punjab).*

"(2) Should any scavenger employed by a Municipal Council, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the Municipal Council, or neglect or refuse to perform his duties, or any of them, he shall be liable to imprisonment which may extend to two months."

"(3) The Governor in Council may by notification direct that on and from a date to be specified in the notification the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety."

**194.** In clauses (ii) and (iii) of sub-section (1) of section 284, for the word "and", shall be substituted the word "or".

**195.** (1) In sub-section (1) of section 286, for the word "damage", shall be substituted the word "compensation"; and, between the word "imposed" and the word "under", shall be inserted the words "or assessed by a Magistrate".

(2) In sub-section (3) of the same section between the word "fine" and the word "or", wherever these words occur, shall be inserted the word "compensation".

**196.** After section 289, shall be inserted the following section:—

"289-A. Every by-law, order, notice or other document, directed to be published under this Act, shall, unless a different method be prescribed by this Act or by the Municipal Council, be written in, or translated into, the vernacular of the district and deposited in the office of the Municipal Council, and a copy shall be posted up in a conspicuous position at such office and in such other places as the Municipal Council may direct. And a public proclamation shall be made throughout such municipality by beat of drum, notifying that such copy has been so posted up, and that the original is open to inspection in the office of the Municipal Council."

*Cf. section 354 of Bengal Act III of 1884.*

**197.** For Schedule A, shall be substituted the Schedule hereto annexed.

**198.** (1) In Schedules B and C, between the word "springs" and the word "drawn", wherever these words occur, shall be inserted the words "constructed to be".

*Amendment of Schedules B and C.*

(2) In the same Schedules, after the word "palanquin", shall be inserted the words "bicycle or tricycle".

(3) In the same Schedules, the half-yearly rates shall be altered as follows:—

- (i) for Rs. 9-0-0 read Rs. 10-0-0;
- (ii) for Rs. 4-8-0 read Rs. 5-0-0;
- (iii) for Rs. 1-8-0 read Rs. 2-0-0;
- (iv) for Rs. 0-8-0, where it first appears, read Re. 1-0-0; and
- (v) for Rs. 0-4-0, where it last appears, read Rs. 0-8-0.

**199.** (1) From Schedule D, the words "drawn by men, buffaloes, bullocks, horses or asses", wherever they occur, shall be omitted.

*Amendment of Schedule D.*

(2) In the same Schedule, after the word "palanquin", shall be inserted the words "bicycle or tricycle".

(3) In the same Schedule, for the fifth item, shall be substituted the words "on every buffalo, bull, bullock, cow or ass, laden or ridden, and on every horse under thirteen hands".

(4) In the same Schedule, from the sixth item, shall be omitted the words "laden or ridden".

(5) From the same Schedule, the seventh item shall be omitted.

(6) In the same Schedule, the present "Explanation" shall be numbered as "Explanation (1)" and the following "Explanation" shall be added:—

"Explanation (2).—Tolls are leviable upon vehicles at the above rates irrespective of the means of traction employed, and the payment of a toll in respect of any vehicle covers the animals engaged in drawing it."

**200.** For Schedules E and F, shall be substituted the Schedules hereto annexed.

*New Schedules substituted for Schedules E and F.*

[Schedule



## SCHEDULE A (SECTION 47).

## TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

## Class I.

Yearly.  
RS.

Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to Rs. 2,000 a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to Rs. 2,000 a month or upwards:—

- (i) Carrying on business as a company;
- (ii) Abkari Renters, Wholesale and Retail Traders and Manufacturers of every kind, Contractors, Ship-owners, Boat-owners, Auctioneers and Commission Agents;
- (iii) Bankers, Money-lenders, Money-changers and Pawnbrokers;
- (iv) Editors and Proprietors of Newspapers;
- (v) Dubashes, Underwriters, Brokers and Dealers in Securities, Shares or Bills of Exchange;
- (vi) Practising Barristers, Advocates, High Court Vakils, Solicitors, Attorneys, Pleaders, and Law Agents;
- (vii) Practising Medical Practitioners of all kinds, including Hakims and Vaidiyans;
- (viii) Dentists and Veterinary Surgeons;
- (ix) Architects and Civil Engineers;
- (x) Owners and Farmers of Markets and Toll-farmers;
- (xi) Keepers of Hotels, Lodging-houses, Boarding-houses or Billiard-saloons;
- (xii) Builders and Surveyors;
- (xiii) Owners of Mills, Warehouses, Printing-Presses, Oil-Presses, Cotton-Presses and other Presses and Factories of all kinds;
- (xiv) Professional Artists, Photographers, Actors, Owners or Managers of Circuses or Theatrical Companies, Musicians and Dancers;
- (xv) Dealers in animals or vehicles and Owners or Keepers of Livery Stables or Hackney carriages;
- (xvi) Artizans.

100

## Class II.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 1,500 a month or upwards .. .. .

75

## Class III.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 1,000 a month or upwards .. .. .

50

## Class IV.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 500 a month or upwards .. .. .

25

## Class V.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 300 a month or upwards .. .. .

12

## Class VI.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 200 a month or upwards .. .. .

8

## Class VII.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 100 a month or upwards .. .. .

4

## Class VIII.

Yearly.  
RS.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 50 a month or upwards .. .. . 2

## Class IX.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 30 a month or upwards .. .. . 1

NOTE.—The above classification is subject to the following provisos, namely—

- Proviso 1.—No owner of a Cotton-press shall be placed in any class below Class IV.  
Proviso 2.—No Wholesale Trader, Ship-owner, Banker, Dubash, Barrister, Advocate, High Court Vakil, Solicitor, Attorney, Architect, Civil Engineer, Mill-owner or Factory-owner shall be placed in any class below Class V.  
Proviso 3.—No Abkari Renter (other than a mere liquor-shop keeper), Editor or Proprietor of a Newspaper, Under-writer, Broker or other Dealer in Securities, Shares or Bills of Exchange, and no First-grade Pleader, Medical Practitioner (other than a Hakim or Vaidyan), Dentist or Veterinary Surgeon, shall be placed in any class below Class VI.  
Proviso 4.—No Boat-owner, Auctioneer, Money lender, Second-grade Pleader, Vakil, Law-Agent, Owner or Farmer of a Market, Toll-farmer, Keeper of a Hotel, Lodging-house, Boarding-house or Billiard-saloon, and no Builder, Surveyor or Owner of a Warehouse or Press (other than a Cotton-press or Oil-press) shall be placed in any class below Class VII.

## SCHEDULE E (SECTION 104).

## DISTRAINT WARRANT.

To

(Here insert the name of the officer charged with the execution of the Warrant.)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of rupees due for the taxes mentioned in the margin for the fifteen (or "three", as the case may be) days have elapsed since such demand was made. This is to command you to distrain the goods and chattels of the said (or, as the case may be, any goods and chattels found on the premises referred to) to the amount of the said sum of rupees, together with for warrant-fee and distraint-fee making together a sum of and such further sum as may be sufficient to defray the charges of taking, keeping and selling such distraint; and if, within seven days next after such distraint, the amount due on account of the said taxes and fees shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distraint, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the amount due on account of the said taxes and fees rupees and the charges of taking, keeping and selling such distraint, to return the surplus, if any, on demand, to the person whom you found in possession of the said goods and chattels. If sufficient distraint cannot be found of the goods and chattels of the said you are to certify the same to me together with this Warrant.

(L.S.)

Date

(Signature or Stamp of the Chairman of the Municipal Council.)

## SCHEDULE F (SECTION 105).

## FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized.)

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of rupees due for the taxes mentioned in the margin for the amount due, together with the warrant-fee, the distraint-fee and the cost of taking and keeping the goods and chattels, within seven days from the day of the date of this notice, the goods and chattels will be sold on the day of 18, at the Municipal Office or at such other place as the Chairman may direct; and that the goods and chattels may be sold at any previous date, if they are liable to speedy and natural decay.

(Signature of the officer executing the Warrant of Distress.)

Date

In the name and on behalf of Her Majesty, the Queen, Empress of India, I assent to this Act.

Madras  
8<sup>th</sup> March 1897

Governor of Madras.



[G.]  
24.  
200-5-10-95.

Legue DEPARTMENT.

Papers to be read in proceedings:—

|                   |        |                |
|-------------------|--------|----------------|
| Again G.O., dated | 189    | , No.          |
| Again G.O., dated | 189    | , No.          |
| Current No.       | of 189 | , dated , from |
| " "               | " 189  | , " " "        |
| " "               | " 189  | , " " "        |

ORDER <sup>173197</sup>  
Letter No 23 Legue 19 March 1897

To The Secretary to the Government of  
India,  
Home Department.

Sir

I am directed to forward copy of the marginally noted Act, which was passed by the Madras Legislative Council on the 9<sup>th</sup> ultimo, and received the assent of His Excellency the Governor on the 8<sup>th</sup> instant, and to request that it may be submitted to His Excellency the Governor-General for his assent.

2. ~~The questions connected with the provisions relating to the profession-tax, that as a mode of raising municipal income the suggestions made in Mr. Hewitt's report are discussed in your letter dated 14 January last, have not been given effect to in this amending Act, as such a course, it was thought, would delay considerably the passing of the measure, which had already been before the Council and the public for a period of more than~~

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

Copy  
Not  
Copy  
Copy



years. I am, however, to add, that the suggestions are now under consideration in the Local and Municipal Department of this Government, the Executive Department concerned with the matter.

3. Two copies of each of the papers referred to on the margin are enclosed for reference.

*S. P. 9/27*

Endorsement No. 24 degree of 9 March 1897.

with enclosures  
Copy to the Government of India,

Legislative Department with reference to Home Department letter No. 751 dated

14 July 1879

*M. S.*

- x. 1. Bill as introduced with Statement of Objects and Reasons.
- 2. Select Committee's report & the Bill as amended by the Committee.
- 3. Papers Nos. 1 to 106 relating to Bill.
- 4. Abstract proceedings of the Legislative Council relating to the Bill, 7 March 1894, 8 April 1895, 11, 12 & 13 March & 8 April 1896, and 9 Feb 1897.

*Space after 16th March*

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