Legislative (189) Department.

ORDINARY MS.

G.O., No. 3

Dated 15. 1. 98

INDEXED. 31/3

[Despatch Abstract.]

Draft Bill to amend the Madras Local Boards Act 1884.

Remit proceedings & ask Govt to refer to the Govt of India & obtain their opinion for reasons stated, and forward copies of the Bill & Statement of Objects & Reasons (& the Local Boards Act for translation into Telugu & Tamil).

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1897} of Madras.

LOCAL AND MUNICIPAL.

Recd. 13 Jan } 1897. *Enclosures*

Regd. 14 Jan. } *Spare copies*

G.O., No. 2443-A L., 16th December 1897.

DECEMBER.

Draft Bill to amend Act V of 1884.

Referring to the Advocate-General for remarks, and to all Collectors and District Boards, the Surgeon-General, the Inspector-General of Police and the Sanitary Commissioner, for suggestions or observations, the draft Bill further to amend Madras Act V of 1884, and stating that the Government of India will be addressed in view of its sanction being obtained to the penal clauses of the Bill.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again G.O., No. 1485 L., dated 1st July 1889.

ABSTRACT.—Circulating to all Presidents of District Boards the draft Bill to amend Madras Act V of 1884 with statement of Objects and Reasons for remarks and suggestion of any further amendments which may appear to them necessary, and ordering that such remarks and suggestions be submitted to Government not later than the 30th September.

ORDER—No. 2443-A L., dated 16th December 1897.

After a careful consideration of the remarks and suggestions received with reference to the Government Order read above, the Government resolves to modify the draft Bill as shown in the annexed copy. The draft will now be referred to the Advocate-General for remarks; and the Government of India will be addressed in view of their sanction being obtained to the penal clauses of the Bill at an early date.

2. The draft will at the same time be communicated to all Collectors and District Boards, the Surgeon-General, the Inspector-General of Police and the Sanitary Commissioner with the request that they will submit any suggestions or observations they may have to offer on the Bill within two months from this date.

[Here enter letter No. 39 L., dated 7th January 1898.]

(True Extract.)

Ag. Secretary to Government.

To the Advocate-General, through the Government Solicitor,
„ all Collectors,
„ all Presidents of District Boards,
„ the Surgeon-General,
„ the Inspector-General of Police,
„ the Sanitary Commissioner,
} with draft Bill.

Legislative Department

Ext. A. F. Enclosure

Government {1897} of Madras.

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,, all Collectors,
,, all Presidents of District Boards,
,, the Surgeon-General,
,, the Inspector-General of Police,
,, the Sanitary Commissioner,
} with draft Bill.

Lvs. A. F. Eccleston

No. OF 1898.

A

BILL

FURTHER TO

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

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

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

2. Unless there is something repugnant in the subject or context, the sections declared to be amended by this Act are those of the Madras Local Boards Act V of 1884. (M.)

3. In section 2, sub-section (1),

(*a*) The figures "1884" shall be substituted for the figures "1878."

(*b*) The words "or in any scheduled district, as defined under the scheduled districts Act, 1874, or other law in force for the time being" shall be omitted.

4. For the words "official year" wherever they occur shall be substituted the words "financial year".

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

(Madras Act IV of 1884, section 3).

"3. In this Act unless there is something repugnant in the subject or context—

"Building." (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.

"Company." (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, 1862 to 1890, or incorporated by an Act of Parliament or of the Governor-General in Council or by royal charter or letters patent.

(iii) "District" means any local area, which, for the purposes of the collection of land revenue, shall have been placed, for the time being, under the charge of a Collector of a district, or which for the purposes of this Act the Governor in Council may by notification from time to time declare to be a district or to be attached to and to form part of a district.

"District."

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

"Gender."

(v) "Guardian" means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognised 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.

"Guardian."

(vi) "Horse" includes pony and mule.

"Horse."

(vii) "House" includes any shop or warehouse.

"House."

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

"Inoculation."

(ix) "Inhabitant" means any person who shall have been ordinarily residing in any local area for a period of six months or upwards.

"Inhabitant."

(x) "Landholder" includes all persons holding under a Sanad-i-Milkiat-Istimrar, all other Zamindars, Poligars, Shrotriamdars, Jagirdars, and Inamdars, and all persons farming the land revenue under Government; all holders of land in Malabar under whatever tenure; and all holders of land under ryotwar settlement, or in any way subject to the payment of land revenue direct to Government, and all registered holders of land in proprietary right.

"Landholder."

(xi) "Latrine" includes privy.

"Latrine."

(xii) "Local Board" means and includes any District Board or Taluk Board constituted under this Act.

"Local Board."

(xiii) "Local Fund" means and includes a District fund, a Taluk fund and a Panchayat fund.

"Local Fund."

(xiv) "Magistrate" means a Magistrate appointed under the Code of Criminal Procedure, 1882.

"Magistrate."

(xv) (*a*) "Market" means any place which is a market at the passing of this Act or which may have been declared under section 117-A to be a market.

"Market."

(*b*) "Public market" means any market belonging to a local Board or constructed, repaired or maintained out of Local funds.

"Public market."

(*c*) "Private market" means any market not being a public market.

"Private market."

(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) "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."

(xix) "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."

(xx) "Panchayat" means the body of persons constituted for an Union under this Act.

"Panchayat."

(xxi) "Parent" means the father of a legitimate child and the mother of an illegitimate child.

"Parent."

(xxii) "Person" includes any company or association or body of individuals, whether incorporated or not. "Person."

(xxiii) (*a*) "Road" 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. "Road."

(*b*) "Public road" means any road which is now vested in the Local Board or which may hereafter be made at the cost of Local Funds or which may hereafter be declared under section 53 to be a public road. "Public road."

(xxiv) "Salaried office" does not include the office of a Village Headman, Karnam, or other Village officer mentioned in the Madras Village Cess Act IV of 1864. "Salaried office."

(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) "Taluk" means any part of a district which may be declared to be a taluk in the manner hereinafter provided. "Taluk."

(xxviii) "Tenant" includes all persons who occupy land under a landholder, whether personally or by an agent, and whether they pay rent to such landholder or otherwise. "Tenant."

(xxix) (*a*) "Union" means any revenue village or villages or any portion or portions thereof which may be declared to be an Union in the manner hereinafter provided. "Union."

(*b*) "Unions" shall be of two classes, viz., Major Unions and Minor Unions. Unless the Governor in Council otherwise directs, every Union, the population of which exceeds 2,500 persons, shall be a Major Union, and every other Union shall be a Minor Union. "Major and Minor" Unions.

(xxx) "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."

(xxxi) (*a*) "Vaccinator" means a public or private vaccinator. "Vaccinator."

(*b*) "Public vaccinator" means any vaccinator employed under this Act by any Local Board, and includes a Deputy Inspector of Vaccination. "Public vaccinator."

(*c*) "Private vaccinator" means any person licensed by the Governor in Council to perform the operation of vaccination. "Private vaccinator."

(xxxii) Words in the singular shall include the plural and *vice versâ*. "Number."

6. Section 4 is hereby repealed.

7. In section 5, the words "by an order in writing published together with a statement of his reasons for making the same" shall be inserted between "may" and "in like manner"; and at the end of the section shall be added the words "But no order dissolving a taluk Board shall be passed without previously intimating to the district Board to which the taluk Board is subordinate the grounds upon which the proposal is based and considering the explanation and objections, if any, of the district Board."

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

9. Section 7 is hereby repealed.

10. In section 12, the words " by name or in virtue of his office " shall be inserted between the word " appointed " and the words " to be a member ".

11. In section 15,

(*a*) after sub-section (1), the following sub-section shall be inserted and the present sub-section (2) shall be read as sub-section (3) :—

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

(*b*) the following sub-section shall be inserted after sub-section (3) as now renumbered :—

"(4) Whenever the President of a taluk Board is appointed by election as provided in sub-section (3), the Revenue officer in charge of every division or portion of a division included in the taluk constituted under section 5 shall *ex-officio* be a member of the taluk Board of such taluk, and when one of such Revenue officers is elected as President, the others shall *ex-officio* be members of the taluk Board ".

12. In the first line of section 16, the word " other " shall be inserted between the word " the " and the word" members ".

13. In section 17, the words " by name or in virtue of his office " shall be inserted between the word " appointed " and the words " to be a member ".

14. To the proviso to section 19 shall be added the words " but such notification shall not come into force until one month after the same shall have been published in the *Fort St. George Gazette*."

15. In section 22,

(*a*) for the first clause of sub-section (1), the following clause shall be substituted :—

[Madras Act IV of 1884, section 17 (1)]

" (1) Subject to the provisions of section 24, every person appointed or elected as aforesaid to be a member of a Local Board shall continue in office for three years from the date of the *Fort St. George Gazette* wherein his appointment was notified under sections 11 and 16 and he shall then cease to be a member of such Board."

(*b*) in the proviso to sub-section (1), after the word "appointed" shall be inserted the words " or elected " ;

(*c*) for sub-section (2) shall be substituted the following sub-section :—

"(2) Any member of a Local Board appointed or elected to be President or Vice-President shall be deemed to have vacated such office on the expiry of the term for which he was originally appointed or elected member or on his otherwise ceasing to be a member or upon the cancellation of a declaration made under sub-section (2) of section 9 or sub-section (3) of section 15 or section 20 in respect of the Local Board of which he is President or Vice-President."

16. In section 23, the following shall be substituted for sub-section (2) :—

(Madras Act IV of 1884, section 18).

"Any person holding a salaried office under Government who is a member of a Local Board shall, on being permanently or temporarily transferred from the local area over which such Board has authority or on quitting such local area with the intention of remaining absent therefrom for more than three months, or on his resignation or retirement from his office under Government, be deemed to have vacated his office of member of such Board."

17. In section 24,

(Madras Act IV of 1884, section 19).

(*a*) in sub-section (1), for the words " at any time remove any President, Vice-President or member of a Local Board," shall be substituted the words " by notification, remove any President, Vice-President, or member of a Local Board other than an *ex-officio* President or member ;"

(*b*) in clause (i) of sub-section (1), before the word " refuses " shall be inserted the words " is absent for more than three months from the local area over which such Board has authority or ;"

(*c*) in clause (iii) of the same sub-section, after the words " public peace or order " shall be added the words " or likely to bring the administration of the Local Board into contempt.

Provided that when the Governor in Council proposes to take action under this clause he shall not pass orders without giving an opportunity of explanation

to the President, Vice-President or member concerned and he shall also record the reasons for the action taken.

(*d*) to the same sub-section there shall be added as clause (iv) the following, namely—

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

18. In section 25,

(Madras Act IV of 1884, section 20).

(*a*) in sub-section (1), after the words "Local Board" shall be inserted the words "appointed under this Act"; and after the words "otherwise directs" shall be inserted the words "in the exercise of the powers vested in him under section 19";

(*b*) sub-section (2) shall be renumbered as sub-section (3), and there shall be inserted as sub-section (2) the following, namely :—

"(2) If such vacancy has occurred otherwise than by effluxion of time, the person so appointed shall 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."

19. After section 27, the following section shall be inserted :—

(Madras Act IV of 1884, section 21-A).

"27-A. The election or appointment of every President, Vice-President and member of a Local Board shall be notified in the *Fort St. George Gazette*."

20. In section 29 the following shall be inserted as sub-sections (2) and (3) :—

[Madras Act IV of 1884, section 29 (3) and (4)].

"(2) 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.

"(3) All meetings of the Local Board shall be open to the public. Provided that the presiding member may, in any particular case, direct that the public generally or any particular person shall withdraw."

[Madras Act IV of 1884, section 30 (5) and (3)].

(Madras Act IV of 1884, section 31).

21. In section 31,

(*a*) in sub-section (1), after the words "number of members" there shall be inserted the words "then on the Board, not being less than three"; and at the end of the sub-section shall be added the following clause, namely :—

"If at the time appointed for a meeting under this sub-section or within half-an-hour thereafter a quorum is not present, the President, Vice-President or presiding member may adjourn the meeting to some future day;"

(*b*) the following shall be inserted as sub-section (3), the present sub-section (3) being numbered as sub-section (4) :—

"(3) No member of a Local Board shall vote on any question coming before the Board for consideration in which (otherwise than in its general application to all persons and properties within the local area) he has any pecuniary interest";

(*c*) in sub-section (4), the words "then on such board" shall be substituted for the words "of such board" in the last line.

22. In section 32,

(Madras Act IV of 1884, section 31).

(*a*) To sub-section (2), the following proviso shall be added : "Provided that the President shall immediately submit to the said Collector, or the Revenue Officer as the case may be, any minute of dissent that may be forwarded to him within 48 hours of the meeting by any member"; and,

(*b*) the following shall be inserted as sub-section (3) :—

"(3) The President, and in his absence the Vice-President, shall have the custody of the proceedings and records of the Local Board and may grant copies of any such proceedings and records on payment of such fees as the local board may, by general or special order, prescribe. Copies granted under this sub-section shall be certified by the President or in his absence by the Vice-President as provided in section 76 of the Indian Evidence Act, 1872, and copies so certified may be used to prove the records of the Local Board 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."

[Madras Act IV of 1884, section 32 (3)].

23. In section 33, for sub-section (3) the following shall be substituted, namely :—

"(3) The President may from time to time authorise the Vice-President by an order in writing to exercise any of the

powers conferred or to perform any of the duties imposed on the President by this Act and may at any time in like manner modify or cancel such order.

Provided that the delegation of powers or duties under this sub-section shall not relieve the President of any responsibility imposed upon him by this Act.

24. After section 33, the following section shall be inserted, namely—

(Madras Act IV of 1884, section 32-A).

"33-A. Notwithstanding anything contained in sub-section (2) of section 33, it shall be lawful for the President in cases of emergency to direct the execution of any work or the doing of any act which the Local Board 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 Local Funds.

Provided that every direction given under this section shall be reported at the next following meeting of the Local Board."

(Madras Act IV of 1884, section 38).

25. In section 34, the words "at a meeting" shall be omitted, 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."

26. In section 35,

(*a*) in sub-section (1), after the words "President of a Local Board" shall be inserted the words "or Chairman of a Panchayat"; after the words "such Local Board" shall be inserted the words "or Panchayat"; and after the word "President" wherever it subsequently occurs shall be inserted the words "or Chairman";

[Madras Act IV of 1884, section 33 (1)].

(*b*) in the same sub-section, the words "after obtaining and considering the explanation of the President or Chairman" shall be inserted between the words "the Collector" and the words "may by notice";

(*c*) in sub-section (2), after the words "Local Board" shall be inserted the words "or Panchayat".

[Madras Act IV of 1884, section 34 (2)].

27. In section 36, to sub-section (2) shall be added the words "The Collector 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 (*a*), (*b*) and (*c*) of sub-section (1)."

(Madras Act IV of 1884, section 35).

28. In section 37,

(*a*) in sub-section (1), for the words "or order of a Local Board", there shall be substituted the words "of any Local Board, or of any order issued by any Local Board or President"; after the words "cancel such resolution or order" shall be inserted the words "or suspend or cancel any license granted by any Local Board or President"; before the words "such resolution, order or act" shall be inserted the words "such resolution has not been legally carried, or"; after the same words, the words "or the issue of such license"; and after the words "the doing of such act" shall be inserted the words "or the continuance in force of such license".

(*b*) In sub-section (2), before the words "rescind the order, or" there shall be inserted the word "thereupon", and after the same words, the words "after giving the Local Board a reasonable opportunity of explanation".

[Madras Act IV of 1884, sections 36 and 37 (3)].

(Madras Act IV of 1884, section 37).

29. In section 38,

(*a*) in sub-section (1), the words "or the President" shall be inserted before the words "is empowered";

(*b*) in sub-section (2), the words "or all" shall be omitted, and the words "except charges for the service of authorised loans" shall be inserted after the words "against such fund"; and

(*c*) the following shall be substituted for 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 with the reasons in full for the exercise of such powers and a copy of the report shall, at the same time, be sent to the Local Board for information."

30. In section 40,

(*a*) in sub-section (1), the words "a Local Board or a President" shall be substituted for the words "any Local Board" and the words "on it" shall be omitted; and,

(*b*) in sub-section (3), the word "in" after the word "person" and the words "or all" before the words "other charges" shall be omitted, and the words "except charges for the service of authorized loans" shall be added after the words "against such fund".

31. In section 41, the words "at a meeting" shall be omitted, and the proviso at the end of the section shall be omitted. (Madras Act IV of 1884, section 39).

32. In section 42,

(*a*) in sub-section (2), the words "or for any public or private body" shall be inserted after the word "Government", and the words "or the public or private body concerned" shall be inserted before the words "shall contribute";

(*b*) in sub-section (4), the words "or unless some other Government servant has been deputed to replace the one withdrawn" shall be added at the end; and

(*c*) the following sub-section shall be inserted after sub-section (4):—

"(5) Government servants employed under Local Boards shall be entitled to leave and other privileges in accordance with the regulations applicable to the department of general administration to which they belong." [Madras Act IV of 1884, section 40 (5)].

33. For section 44 shall be substituted the following section:—

44. (1) The President shall, subject to such rules as the Governor in Council may prescribe, appoint such permanent servants as shall have been provided for in the manner aforesaid and shall pay such permanent servants from the Local fund the salaries that may be fixed for them in the manner aforesaid. [Madras Act IV of 1884, section 42 (1) and (2)].

(2) The President 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 Local funds.

Provided that every appointment made under this sub-section shall be reported at the next following meeting of the Local Board.

34. In section 46,

(*a*) in sub-section (1), the words "at a meeting" shall be omitted, and in sub-sections (1) and (2), the words "and Panchayats" shall be inserted after the words "Local Boards"; and (Madras Act IV of 1884, section 43).

(*b*) in sub-section (1), the following proviso shall be inserted after clause (viii):—

"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."

35. Section 48 is hereby repealed. (Madras Act IV of 1884, section 23).

36. In section 49, the words "or streets" and "or street" wherever they occur shall be omitted; the words "existing at the time this Act comes into force, or which shall afterwards be made" shall be omitted; after the words "vest in" shall be inserted the words "and belong to"; and for the proviso shall be substituted the following clause: "But it shall be competent to the Governor in Council by notification to exclude any road from the operation of this Act and to modify or cancel such notification."

37. In sub-section (2) of section 50, the words "Local Board or Panchayat at whose cost they are collected" shall be substituted for the words "District Board".

38. In sub-section (2) of section 51, the word "concerned" shall be substituted for the words "within whose jurisdiction such endowment is situated".

39. In clause (1) of section 52, the words "any Taluk Board in the same district" shall be substituted for the words "the Taluk Board of the taluk wherein such property is situated".

40. In section 54,

(*a*) from sub-section (1), clause (i) shall be omitted and the clauses (ii) to (vi) shall be numbered as (i) to (v); and (Madras Act IV of 1884, section 28).

(*b*) the following proviso shall be added at the end of sub-section (2):—

"Provided that if the District Board shall have given previous authority in writing, such bank or treasury may at once pay out of such fund, without the issue of such orders or cheques, any expense which the Governor in Council has incurred on behalf of the District Board."

41. From section 55, the words "may from time to time, with the approval of the Governor in Council or" shall be omitted. (Madras Act IV of 1884, section 28).

42. In section 56, the following proviso shall be added at the end of sub-section (2):—

"Provided that if the Taluk Board shall have given previous authority in writing, such bank or treasury may at once pay out of such fund, without the issue of such orders or cheques any expense which the Governor in Council has incurred on behalf of the Taluk Board."

43. In section 57,

(*a*) in clause (ii), the word " buildings " shall be substituted for the word " houses " ;

(*b*) in clause (iii), the words " under any of the classes and at rates not exceeding those " shall be substituted for the words " not exceeding the rates " ; the words " or upon foot-passengers going over bridges at such rates as the Governor in Council may approve " shall be inserted after the words " Schedule B " ; and the words " clause (1) of section 95 " shall be substituted for " clause I, section 95."

(*c*) in clause (iv), the words " in an union " shall be omitted ; and the words " approved by the Governor in Council " shall be inserted after the word " rate."

(*d*) in clause (v), the words " use of cart-stands, markets and slaughter-houses constructed or maintained from Local funds and fees for the temporary use of " shall be substituted for the words " temporary use of cart-stands and of markets " ; the words " on the occasion of fairs and festivals " shall be omitted ; and the words " with the approval of the Governor in Council " shall be added at the end of the clause.

(Madras Act IV of 1884, section 48).

44. From section 58, the words " at a meeting " shall be omitted.

45. The proviso at the end of section 60 shall be omitted.

46. In section 61, the words " at a meeting " shall be omitted and the words " with the approval of the Governor in Council " shall be inserted after the word " determine."

47. In section 62, sub-section (1), the words " with the approval of the Governor in Council " shall be inserted after the word " determined."

48. In section 63, the words " carriages, carts or animals " shall be inserted after the word " persons ", and the word " tolls " shall be inserted after the word " taxes."

49. (*a*) In section 77 and in the heading above this section, the word " buildings " shall be substituted for the word " houses " wherever it occurs.

(*b*) In sub-section (2) of the same section, the word " and " shall be substituted for " or " between " owners " and " occupiers."

50. In section 78,

[Madras Act IV of 1884, section 63 (1)].

(*a*) the word " building " shall be substituted for " house " wherever it occurs in the section ;

(*b*) in sub-section (1), the words " names of the owner and of the occupier " shall be substituted for the words " name of the owner and occupier " ; and

(*c*) for sub-section (2), the following shall be substituted :—

" (2) Lighthouses, and buildings exclusively used for charitable purposes, or set apart for public worship and either actually so used or used for no other purpose, and buildings exclusively used as public choultries, hospitals or dispensaries, and buildings which are the property of Local Boards or Panchayats, shall not be liable to such tax."

(Madras Act IV of 1884, section 64).

51. In section 79, insert the following as sub-section (3) : —

(3) The President of the Taluk Board may, at any time on his own motion or on the motion of any person interested, exercise any or all of the powers of the Chairman of the Panchayat under the last preceding sub-section, subject to notice being given as therein provided ; and no order so passed by the President of the Taluk Board shall be varied or cancelled save by appeal under section 85.

52. After section 79, the following section shall be inserted :—

[Madras Act IV of 1884, section 72 (2)].

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

" (2) Subject to the provisions of sub-section (1) of section 80-A, the instalment for each half-year shall be payable within thirty days after the commencement of such half-year."

53. In section 80,

(*a*) in sub-section (1), the word " half-year " shall be substituted for the word " year " ;

(*b*) in sub-sections (1) and (2), the word " building " shall be substituted for the word " house " wherever it occurs ;

(*c*) the following shall be inserted at the beginning of sub-section (2) after the figure (2) :—

" Every demand for a remission under this section shall be made during the half-year in respect of which the remission is sought or in the following half-year and not afterwards."

54. After section 80, the following section shall be inserted :—

(Madras Act IV of 1884, section 73).

"80A. (1) When any building is constructed, reconstructed, or enlarged, the owner shall give notice thereof to the Chairman within fifteen days from the date of completion of such building, rebuilding or enlargement, or from the date of occupation of the said building, whichever date happens first. The Chairman shall on receipt of such 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 the service of notice issued under sub-section (1) of section 81, 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) 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 the tax 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."

55. In section 81,

(*a*) in sub-section (1), the word "building-tax" shall be substituted for the word "house-tax" ; the word "building" for the word "house"; and for the word "both" the words "all of them" ;

(*b*) in sub-sections (1) and (2), the words "or owner's agent" shall be inserted after "owner" ;

(*c*) in sub-section (2), the words "upon him" shall be inserted after "demand" ; the words "to the satisfaction of the Chairman" shall be inserted between "show cause" and "why" ; and for the clause beginning with the words "by distress" and ending with the word "union" shall be substituted the following words and clauses :—

"in any of the following ways :—

(i) by distraint and sale of the moveable property of the defaulter or if the defaulter be the occupier of any building

in respect of which such tax is due, by distraint and sale of any property found in or on such building, provided that no property of the occupier shall be distrained unless he has been served with a notice as aforesaid :

(ii) if for any reason the distraint or a sufficient distraint of the defaulter's property is impracticable, by prosecuting him before a Magistrate."

(*d*) after sub-section (2), the following shall be inserted as sub-sections (3) and (4) :—

"(3) The Chairman or other person duly authorized by him in that behalf may force open and enter into premises which are locked up, for the purpose of distraining any property found therein."

(Madras Act IV of 1884, section 111.)

"(4) Any person bound to pay any tax who shall be prosecuted under this section before a Magistrate shall on conviction be liable to pay a fine not exceeding twice the amount of the tax found to be due and shall also pay such tax and the costs of the prosecution."

56. In section 82, substitute the word "distrained" for the word "seized."

57. In section 83, the word "building-tax" shall be substituted for the word "house-tax."

58. In section 84, sub-section (1), there shall be added at the end the words "provided that a fresh general assessment shall be made not less than once in three years."

59. In section 85, in sub-section (1) and in clause (ii) of sub-section (2), the words "or President of the Taluk Board" shall be inserted after the words "Chairman of the Panchayat."

(Madras Act IV of 1884, section 51.)

60. In section 86, for the word "house" shall be substituted the word "building" wherever it occurs ; for the words "exempt from payment of the tax on the ground of poverty" shall be substituted the words "on the ground of poverty, exempt from payment of the whole or any portion of the tax"; and at the end of the section shall be added the words "they may in like manner, with the approval of the Governor in Council, exempt any classes of buildings."

61. In section 87,

(*a*) in sub-section (1), the words "or, with the sanction of Government and for reasons connected with its construction and maintenance which shall be recorded, upon foot-passengers going over a bridge" shall be inserted after the words "along any road" ;

(*b*) for sub-section (3), the following sub-section shall be substituted :—

[Madras Act IV of 1894, section 91 (3).]

"(3) No tolls shall be levied for the passage of carriages, carts or animals,

(*a*) belonging to the Local Boards ;

(*b*) conveying troops, military stores and baggage, military and police officers in uniform, Local Fund servants on duty, or persons or property in the custody of such officers or servants ; or

(*c*) licensed by the District Board, during the period for which they have been so licensed ;

nor shall tolls be levied for the passage over bridges of foot-passengers, if they are military or police officers in uniform or Local Fund servants on duty ;"

(*c*) the following shall be inserted as sub-section (4) :—

"(4) With the sanction of the Governor in Council, it may be declared that payment of tolls on carriages, carts, animals or foot-passengers at any gate or bridge shall clear such carriages, carts, animals or foot passengers at any other gate or gates specified."

62. In section 90,

(*a*) in sub-section (1),

(*a*) the words "animal or foot-passenger" shall be substituted for the words "or animal" ; and

(*b*) for clauses (5) and (6), the following shall be substituted :—

[Madras Act IV of 1884, Sections 95 (2) and 96.]

"(5) Such officer shall forthwith give notice to the owner of the property seized or, if the owner is not known or is not resident in the neighbourhood, 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 ; provided that if, at any time before the sale has begun, the person to whom notice has been given or the owner of the property seized tenders to the said officer (*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."

"(6) If no such tender is made, the said officer may sell the property seized and the proceeds of such sale shall be

applied in payment of (*a*) the amount due on account of the toll, and (*b*) a sum of eight annas on account of the charges incurred in connection with the seizure, detention and sale.

63. In section 92, the words "within a quarter of a mile of it" shall be substituted for the words "adjoining thereto".

64. In section 93,

(*a*) in clause (1), the word "slaughter-houses" shall be inserted after the word "cart-stands" ;

(*b*) in clause (3), the words "clauses (iv) and (v)" shall be substituted for "clause (iv)".

65. The following shall be inserted as section 93-A :—

Collection of taxes.

(Madras Act IV of 1884, section 52-B.)

"93-A. The President of the Taluk Board or the Chairman of the Panchayat shall give to every person making payment of a tax or fee, a receipt therefor signed by him or by some person duly authorized by him in that behalf. 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 or fee 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.

66. In section 94,

(Madras Act IV of 1884, section 106.)

(*a*) The words "to the provisions of section 271 of the Code of Civil Procedure and" shall be inserted between the word "subject" and the words "to the conditions" ;

(*b*) in clause (*a*) of exception (i), the words "and bedding" shall be inserted between the word "apparel" and the words "of the defaulter" ;

(*c*) in clause (*c*) of exception (i), the words "and seed grain" shall be inserted between the word "cattle" and the words "as may" ; and the word "Local" shall be substituted for "Taluk" ;

(*d*) in exception (ii), the words "on account of the tax, toll or fee and distraint fee and the probable expenses incidental to the detention and sale of the said property" shall be inserted at the end of the clause ;

(*e*) in exception (iv), the word "Local" shall be substituted for "District".

67. The following shall be inserted as section 94-A :—

"94-A. Nothing herein contained shall preclude the Chairman of a Panchayat from suing in a Civil Court for any amount due to the Panchayat under this Act."

[Madras Act IV of 1884, section 103 (3).]

68. In section 95,

(*a*) The words "for the following matters" shall be omitted ; and after the words "their authority" shall be inserted the words "or with the special sanction in each case of the Governor in Council without the said areas, for the following purposes :—"

(Madras Act IV of 1884, section 113.)

(*b*) in clause (iii), the word "maintenance" shall be inserted between the word "construction" and the words "and repair"; the word "poor-houses" shall be inserted after the words "lunatic asylums"; the words "slaughter-houses, cart-stands" after the word "markets"; the word "latrines" after the word "sewers", and the words "the registration of births and deaths and the lighting of the streets" after the word "villages"; and the words "drains, sewers, latrines" shall be inserted after the words "cleansing of the streets";

(*c*) the following shall be inserted as clause (viii) and the present clause (viii) shall be numbered as clause (ix):—

"(viii) Payment of any amounts falling due on any loans legally contracted by the Local Board;"

(*d*) in clause (ix) as renumbered, the words "or specially sanctioned by the Local Board with the approval of the Governor in Council" shall be inserted after the word "Act", and the words "and the payment of refunds sanctioned by the Local Board" after the word "section."

69. Section 96 is hereby repealed.

70. In section 98,

(*a*) in sub-section (1), the words "whether permanent or temporary" shall be inserted after the word "encroachment"; the words "or made" shall be inserted after the word "erected"; and the word "road" shall be substituted for the word "street."

(*b*) in the proviso at the end of sub-section (2), the word "fairs" shall be inserted between the word "of" and the word "festivals".

(Madras Act IV of 1884, section 170.)

71. The following sections shall be inserted after section 98, namely :—

(Madras Act IV of 1884, section 168).

"98-A. (1) The taluk Board may cause any projection, encroachment or obstruction made against or in front of any building or land in any public road to be removed or altered as they think fit.

(2) The taluk Board shall give notice of such intended removal or alteration to the owner or occupier of the building or land against or in front of which such projection, encroachment or obstruction has been made, thirty days before such alterations or removal is begun.

(3) If such projection, encroachment or obstruction shall have been lawfully made the taluk Board shall make reasonable compensation to every person who suffers damage by such removal or alteration.

(Madras Act IV of 1884, section 173).

98-B. No person shall make any hole or cause any other obstruction in the public road without the written permission of the President of the taluk Board. 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 President 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.

(Madras Act IV of 1884, section 268).

98-C. (1) If any person, without the previous sanction of the local Board, occupies any land set apart for a public purpose, vested in or belonging to such Board, he shall pay in respect of such occupation, such sums as may be demanded from time to time by the said Board ; and the said person shall be bound to pay the sums so required of him.

(2) In case of default of payment of any such sum, the amount thereof may be recovered by a summary proceeding before a Magistrate upon complaint made by or on behalf of the local Board.

(Madras Act I of 1884, section 449).

(3) In default of payment of such sum, together with such costs as may be awarded, the same may be levied under the warrant of a Magistrate, with all such powers of distress or sale as are vested in him by any law in force.

(4) In case of non-payment of such sum and costs, the Magistrate, if it shall appear to him that no sufficient distress can be had within his jurisdiction wherewith to levy such sum and costs, may refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued and upon the return thereof, such insufficiency as aforesaid shall be made to appear to the Magistrate, he may sentence the offender to undergo either simple or rigorous imprisonment for any term not exceeding two months.

(Madras Act I of 1884, section 447).

(5) If any damage to the property of the local Board has been caused by the person incurring the said penalty, he shall be liable to compensate the local Board for such damage as well as to pay the said penalty. And the amount of such compensation may, in case of dispute, be recovered before the Magistrate in the same manner as is provided for the recovery of the penalty in sub-sections (2), (3) and (4).

98-D. The taluk Board may by notice require the owner or occupier of any land adjoining public roads to clear away all prickly-pear, wattle, lantana or noxious vegetation growing on or used as fencing or hedging wherever it encroaches on such roads."

72. In section 99, the words "to provide parapet walls for the same and also to protect any such well from pollution by surface drainage in such manner as he may think fit" shall be inserted after the words "in good repair".

73. The following section shall be substituted for section 100, namely :—

(Madras Act IV of 1884, section 228).

"100. (1) The taluk Board may, by notice, require the owner of any tank or well to cleanse, fence, repair or fill it up, if, on inspection, it appears likely to be dangerous, or prove injurious to the health of the neighbourhood;

(2) or they may, by notice, require the owner or occupier of any land or premises to drain off or otherwise remove any stagnant water from such land or premises or from any tank or well attached thereto, if they consider that such stagnant water is injurious to health or offensive to the neighbourhood.

(3) Such notice may specify the mode in which such cleansing, filling up, repairing, fencing or drainage is to be effected and the time within which specified portions thereof must be done."

74. The following sections shall be inserted after section 100, namely :—

(Madras Act IV of 1884, section 154).

"100-A. (1) The taluk Board 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 or for any other purpose calculated to promote the health, cleanliness, comfort or convenience of the inhabitants; and with the consent of the owners, may also set aside any private springs, tanks, wells or other places for any of the aforesaid purposes.

(2) The taluk Board may during epidemics, on receipt of a certificate from any medical officer in the employ of such taluk Board or of Government stating that such action is desirable, summarily by notice close or prohibit the use of water from public sources, which they fear may be utilized for any domestic purpose whatsoever. Such notice shall be served by placing a notification near the source of water-supply or by tom-tom with sufficient publicity, stating the number of days during which such closure shall last. The taluk Board may extend or modify the notice from time to time without the production of a further certificate, provided that not more than 21 days shall have elapsed since the discharge or death of the last case of epidemic disease within the area affected.

(Madras Act IV of 1884, section 155).

100-B. Whoever—

(i) bathes in or defiles the water in any place set apart for drinking purposes either by the taluk Board, or in the case of private property by the owner thereof;

(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 drinking purposes or 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 purposes, or for bathing, or for washing clothes,

shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 50, and if the offence be a continuing one to a further fine not exceeding Rs. 10 for every day during which the said offence is continued after conviction. The fines so levied shall be credited to Taluk Funds.

Prevention of Infectious Diseases.

(Madras Act IV of 1884, section 231.)

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

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

(3) If the President or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice. Provided that if the President or such person considers that immediate action is necessary or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the said President or such person 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 President or such person under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with the said requisition.

(Madras Act IV of 1884, section 232.)

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

(2) The President may direct the destruction of bedding, clothing, or other articles likely to retain such infection, and shall on demand give compensation for the articles destroyed.

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

Tanneries.

(Madras Act IV of 1884, section 188).

100-E. (1) At any time, not being less than sixty days before the end of a financial year, the taluk Board 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 as a tannery unless a license authorizing such use has been obtained from the President of such Board or some person authorized by him in that behalf.

(2) After the issue of a notification under sub-section (1), the following provisions shall apply in respect of all places used as tanneries, namely—

(i) every person intending to newly open any such place shall, not less than thirty days before opening it, apply to the President of the taluk Board for a license to do so;

(ii) the owner or occupier of every place who intends to continue to use it as a tannery shall, not less than thirty days before the expiry of a financial year, apply to the President of the taluk Board for a license to continue to so use it during the following financial year.

(3) The President of the taluk Board may, at his discretion, grant a 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.

(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 President of the taluk Board considers that it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein.

(5) If the President of the taluk Board 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 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.

(6) Every order passed by the President of the taluk Board 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 taluk Board who shall pass such orders thereon as they deem fit.

(Madras Act IV of 1884, section 189).

100-F. Whoever without such license, or after a license has been refused, cancelled or suspended, uses or permits to be used any place as a tannery, or infringes any of the conditions under which such license is granted, shall on conviction before a Magistrate, be liable to a fine not exceeding Rs. 100.

Disposal of Corpses.

(Madras Act IV of 1884, section 234).

100-G. The taluk Board shall provide a sufficient number of convenient and fitting places for burial and burning grounds.

(Madras Act IV of 1884, section 235).

100-H. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act as a burial ground or burning ground shall, if such place be not already registered, apply to the taluk Board to have such place registered.

(2) If it appears to the taluk Board that there is no owner or person having the control of any such place, the taluk Board shall assume such control and direct it to be registered or may, with the sanction of the Governor in Council, cause it to be closed.

(Madras Act IV of 1884, section 236)

100-I. No new burial ground or burning ground, whether public or private, shall be opened, or used after the coming into operation of this Act, unless a license has been granted by the taluk Board.

(Madras Act IV of 1884, section 237).

100-J. A book shall be kept at the office of the taluk Board in which places registered under section 100-H, or licensed under the last preceding section, shall be recorded.

(Madras Act IV of 1884, section 238).

100-K. Whoever buries or burns or causes or suffers to be buried or burnt any corpse in any unregistered or unlicensed vault, grave, burial or burning ground or other place private or public shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 100.

(Madras Act IV of 1884, section 239)

100-L. The person having control of a burial ground or burning ground shall give information to any person appointed by the taluk Board in that behalf of all burials and burnings which take place in or on such ground.

(Madras Act IV of 1884, section 240).

100-M. (1) If the taluk Board are satisfied that any registered or licensed burial or burning ground is in such a state as to be, or to be likely to become, dangerous to the health of persons living in the neighbourhood thereof, or that any such place is over-crowded with graves, and, in the case of a public burial or burning ground, that another convenient place duly authorized for burial or burning, as the case may be, has been provided for the persons who would ordinarily make use of such place, they may, with the previous sanction of the Governor in Council, issue a notice that it shall not be lawful, after a period of not less than two months to be named in such notice, to bury or burn any corpse in or on such first-mentioned burial or burning ground.

(2) Every such notice shall be published in the District Gazette and in the village concerned by beat of drum.

(3) Whoever after the expiration of such period, buries or burns, or causes or permits to be buried or burnt, any corpse contrary to the terms of the notice, shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 100.

Miscellaneous.

(Madras Act IV of 1884, section 230).

100-N. (1) The taluk Board may, and if so directed by the District Magistrate, shall, from time to time, cause to be notified by beat of drum or otherwise that

pigs and dogs found straying within certain limits will be destroyed and the Board may grant such rewards as they may deem fit to persons so destroying pigs and dogs thereafter or during such seasons as they may fix.

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

(Madras Act IV of 1884, section 185).

100-O. If any building, tank, well or hole or other place, whether on public or private ground, is, for want of sufficient repair, protection or enclosure, dangerous to the public health or safety, the taluk board may, by notice, require the owner or occupier of such place or of the land on which such building, tank, well or hole is situated, to cause the same to be repaired, protected or enclosed so as to prevent danger therefrom, within a time to be specified in such notice."

75. In section 101,

(*a*) in sub-section (1) the words "within the time specified in the notice" shall be inserted between the word "land" and the words "the President";

[Madras Act IV of 1884, section 274 (1)].

(*b*) sub-sections (2) and (3) shall be omitted and the following shall be inserted as sub-section (2) :—

"(2) the taluk Board may, with the consent of the occupier of any building or land, or after giving six hours' notice to such occupier, by themselves or their servants, between sunrise and sunset, enter into and upon any building or land either for the purpose of making any survey or inspection or for doing any other act necessary for carrying out the purpose of this Act, without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of such building or land in pursuance of this Act."

76. In section 102, the following shall be inserted as sub-section (2) :—

"(2) The District Board may vest the supervision of vaccination in taluk Boards or Panchayats in respect of any area within the jurisdiction of such taluk Boards or Panchayats."

77. In section 104, the following shall be inserted at the end of the section, namely :—

(Madras Act IV of 1884, section 131).

"Provided that the President of the District Board or some person or persons authorised by him in that behalf may,

upon application by any person and upon the payment by him of such fee as the District Board 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.

"(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."

78. In section 106, sub-section (1), the words "or any portion of a district" shall be inserted after the words "any district"; and in sub-section (2), the words "in the said area" shall be substituted for the words "in the district".

79. In section 107, the words "more than" shall be omitted, and the word "area" shall be substituted for the word "district"; and the following shall be inserted as sub-section (2):—

(Madras Act IV of 1884, section 134.)

"(2) The President of the District Board or some person or persons authorised by him in that behalf may 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."

80. In section 112,

(*a*) the following sub-section shall be substituted for sub-section (1), namely :—

(Madras Act IV of 1884, section 138.)

"(1) The President of the District Board or some person or persons authorised by him in that behalf shall ascertain which children under the age of ten years within the district or portion of a district proclaimed under sub-section (2) of section 106 are unprotected; and for the said purpose the President 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; and if the President or any person authorised by him has reason to believe that the parent or guardian of any unprotected child is bound by the provisions hereinbefore contained to procure the vaccination or inspection of such child and has omitted so to do, he shall go to the house of such parent or guardian and there make inquiry and shall, if the fact is proved to his satisfaction, forthwith deliver to such

parent or guardian or cause to be affixed to his house, a notice requiring that the child be vaccinated or inspected, as the case may be, at a time and place to be specified in the notice";

(*b*) In sub-section (2), for the words "make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order" shall be substituted the words "sentence such parent or guardian to pay a fine not exceeding Rs. 50."

(*c*) For sub-section (3) shall be substituted the following sub-sections, namely:—

"(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 clause (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) 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."

81. Section 113 is hereby repealed.

82. The following shall be inserted as section 115-A:—

"Whoever being a public vaccinator furnishes as true, any statement or return to any public servant as such, which he knows or has reason to believe to be false, shall be deemed to have committed an offence punishable under section 177 of the Indian Penal Code."

(Madras Act IV of 1884, section 140.)

83. For section 116, the following section shall be substituted, namely:—

"116. In every district inoculation is hereby prohibited; and no person who has undergone the operation of inoculation shall leave the village or town in which he is before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the local Government may from time to time by written order authorise to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

Whoever contravenes the provisions of this section shall, on conviction before a

(Madras Act IV of 1884, section 142.)

Magistrate, be liable to simple imprisonment for a term not exceeding three months, or to a fine not exceeding Rupees 200, or to both."

84. In section 117, sub-section (1), the words "or other rubbish" shall be added after the word "night-soil."

85. The following sections shall be inserted after section 117, namely:—

Markets.

"117-A. The Taluk Board may declare any place ordinarily or periodically used or intended to be 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 117-B, be cancelled by the Taluk Board.

(*a*) *Public Markets.*

117-B. (1) The Taluk Board may charge such rents and fees as they may deem fit for the use of, or right to expose goods for sale in, public markets, and for the use of shops, stalls, sheds, pens and standings therein.

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

(3) The President may expel from any such market any person who, or whose servants, may be convicted of disobeying any bye-law made for the regulation and control of such market, and may prevent such person by himself or his servants from further carrying on, any trade or business in such market or occupying any stall, shop or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop or other place.

(4) Any person aggrieved by an order of the President issued under sub-section (3) may appeal against such order to the Taluk Board within thirty days from the date of receipt of such order, and the Taluk Board may either confirm, modify or cancel the order appealed against.

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

(b) Private Markets.

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

117-E. (1) Every person intending to open a new private market for the sale, or exposure for sale, of animals or articles of food for human consumption in places determined by the Taluk Board under section 117-D, shall obtain from the Taluk Board a license to do so. A fee for such license shall be payable as may be fixed by the Taluk Board, but shall not exceed Rs. 100 per annum.

(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.

(3) The Taluk Board 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.

(4) When a license to open a market is granted, or when a license is refused, suspended, cancelled or modified under this section, the Taluk Board 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.

(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.

(6) If the Taluk Board neglect to pass orders upon an application for a license under this section and to communicate the same to the applicant within two months 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.

117-F. Whoever sells or exposes for sale any animal or article in an unlicensed private market and any owner of such market directly or indirectly permitting the sale of such animal or article therein, shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 20.

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.

117-G. Every owner, farmer, or occupier of any private market shall—

(i) construct such approaches, entrances, passages, gates, drains and cesspits therein as the taluk Board direct;

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

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

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

117-H. (1) If such owner, farmer, or occupier, after notice given to him by the taluk Board, directing him to carry out within a period to be specified in the notice any of the measures provided in the last preceding section, fails to comply with such notice, the taluk Board may suspend, withhold, cancel or refuse the license until the notice shall have been complied with; and any person opening or keeping open any such market after such withholding, suspension, cancellation

or refusal shall be liable to a fine not exceeding Rs. 20 for every day during which such market or place is so opened or kept open.

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

117-I. The taluk Board, or any officer duly authorized by them in that behalf, may close any private market in respect of which no license has been applied for or any private market the license for which has been cancelled, refused, withheld or suspended.

(c) General.

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

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

Public Slaughter-houses.

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

117-L. The taluk Board may, with the previous sanction of the Governor in Council, declare that no person shall slaughter or permit to be slaughtered, or cut up or skin or permit to be cut up or skinned, any cattle, sheep, goat or pig at any place in any town or village to be notified by name in the District Gazette other than at a public slaughter-house provided by the taluk Board, except with the written permission of the President. Any person acting in contravention to such declaration shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 20 for each animal or skin.

Provided that nothing in this section shall be held to prohibit the slaughter of animals in the performance of religious rites in the places where it is usual to perform such rites, or for private use, but not for sale.

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

Cart-stands, &c.

117-N. (1) The taluk Board may, from time to time, provide places for the purpose of being used as cart-stands, public landing-places, or public halting-places, and may levy fees for the use thereof.

(2) If, upon demand by the person authorized to collect on behalf of the taluk Board fees for the use of any such cart-stand, landing-place or halting-place, any person has refused or neglected to pay the prescribed fee, the provisions of section 90 shall *mutatis mutandis* apply.

(3) A statement, in English and a Vernacular language of the district, of the fees prescribed by the taluk Board 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.

117-O. The provisions of sections 98-B, 98-C, 98-D, 100, 100-A, 100-B, 100-C, 100-D, 100-E, 100-F, 100-G, 100-H, 100-I, 100-J, 100-K, 100-L, 100-M, 100-N, 117-K and 117-L shall, unless and until the Governor in Council shall otherwise direct, apply only to areas included in unions."

86. For section 118, the following section shall be substituted, namely :—

(Madras Act IV of 1884, section 114).

"118. If the expenditure incurred for any of the purposes described in section 95 by any authority constituted under the Madras District Municipalities Act, 1884, as amended by Madras Act, III of 1897, 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 local area or if the expenditure incurred by the local board in any one local area is calculated to benefit the inhabitants of any other local area, the local board of the local area so benefited may, with the sanction

of the Governor in Council, contribute towards such expenditure; or the Governor in Council may direct such local board to show cause, within a month after the receipt of the order containing the direction, why such contribution should not be paid. If the local board fail to show such cause within the said period to the satisfaction of the Governor in Council, he may direct the said local board to pay such contribution as he shall name and it shall be paid accordingly."

87. In section 120, sub-sections (1) and (2), the words "or portion of such village" shall be inserted after, and the word "revenue" before, the word "village" wherever it occurs.

88. To section 122, the following proviso shall be added:—

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

89. In section 125, the following shall be inserted as sub-section (2):—

"(2) Any person holding a salaried office under Government or a local board, who is a member of the Panchayat shall, on being permanently or temporarily transferred from the local area over which such Panchayat has authority or on quitting such local area with the intention of being absent therefrom for more than four months, be deemed to have vacated his office of member of such Panchayat."

90. In section 126,

(Madras Act IV of 1884, section 19).

(*a*) in sub-section (1), after the words "remove any Chairman or Member of a Panchayat" shall be inserted the words "other than an *ex-officio* member";

(*b*) in clause (1) of the same sub-section, after the words "if he" shall be inserted the words "is absent for more than four months from the local area over which such Panchayat has authority or";

(*c*) in clause (iii) of the same sub-section, after the words "peace or order" shall be inserted the words "or likely to bring the Local Fund administration into contempt, and it shall not be

necessary for the Governor in Council to assign any reason for the removal of such persons, nor shall the exercise of this discretion be liable to challenge in any civil or criminal court";

(*d*) in sub-section (2), for the words "any person" shall be substituted the words "such Chairman or member".

91. After section 127, the following section shall be inserted, namely—

"127-A. When the place of a Chairman falls vacant before another is permanently appointed, any member of a Panchayat appointed at a meeting shall perform the duties of a Chairman until one is permanently appointed. Such member shall, for the period during which he exercises the powers of the Chairman under this section, be styled the temporary Chairman."

92. At the end of section 128, the following proviso shall be added, namely:—

"Provided that in cases where it may seem desirable, it shall be lawful for the Governor in Council to declare that the powers as regards panchayats and their Chairmen, conferred by this Act on taluk Boards and their Presidents, shall not be exercised by them, but by the District Board and its President."

[Madras Act IV of 1884, section 30 (5) and (3)].

93. In section 130, sub-section (3), the words "then on the Panchayat" shall be inserted after the word "Panchayatdars".

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

95. In section 134, sub-section (2), the words "subject to the approval of the President of the taluk Board" shall be inserted after the words "The Chairman shall"; the words "Such servants may be transferred by the President of the taluk Board from one union to another under the same taluk Board, whenever he considers such a course necessary" shall be added at the end; and in sub-section (3), the word "fine" shall be inserted before the word "suspend".

(Madras Act IV of 1884, section 37).

96. In section 137, sub-section (2), and in section 138, sub-section (3), the words "except charges for the service of authorized loans" shall be added after the words "against such fund".

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

98. In section 140, sub-section (1), the words "building-tax in any union" shall be substituted for the word "house-tax"; the words "any fees" shall be substituted for the words "the fees"; the words "such union" shall be substituted for the words "any union"; and the word and figures "(iv) and (v)" shall be substituted for the word and figures "(ii) and (iv)".

99. In section 141, after the words and figure "1—In all unions" shall be inserted as clause (*a*) the following, namely: "(*a*) The lighting of the village streets", and the present clauses (*a*) and (*b*) shall be read as (*b*) and (*d*); and the following shall be inserted as clause (*c*):—

"(*c*) With the sanction of the Governor in Council, the establishment and maintenance of hospitals, dispensaries and schools, and"

100. After section 143, the following sections shall be inserted, namely:—

(Madras Act IV of 1884, section 186).

"143-A. (1) The Panchayat may, by notice, require the owner or occupier of any building or land, which in their opinion is in a filthy or unwholesome state, or which is overgrown with trees or with wild croton, prickly-pear, 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.

(2) The Panchayat, or any person generally or specially authorized by them in writing in this behalf, may, by notice addressed to the occupier of any such building, direct all or any part thereof to be internally and externally lime-washed or otherwise cleansed in the manner and within a time to be specified in such notice.

(Madras Act IV of 1884, section 227).

143-B. The Panchayat 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 debris or clean soil, gravel or sand.

(Madras Act IV of 1884, section 228).

143-C. (1) The Panchayat may, by notice, require the owner of any tank or well to cleanse, fence, repair or fill it up, if on inspection it appears likely to be dangerous or to prove injurious to the public health.

(2) Or they may, by notice, require the owner or occupier of any land or premises to drain off, or otherwise remove, any stagnant water from such land or premises or from any tank or well attached thereto, if they consider that such stagnant water is injurious to health or offensive to the neighbourhood.

(3) Such notice may specify the mode in which such cleansing, filling up, repairing, fencing or drainage, or each of such works is to be effected and the time within which specified portions thereof must be done.

[Madras Act IV of 1884, section 175 (2)].

143-D. The Panchayat may cause the streets to be lighted and for that purpose may provide such lamps and works as they think necessary.

[Madras Act IV of 1884, section 282 (1)].

143-E. It shall be the duty of police officers to give all the assistance and information in their power to Union Panchayats in carrying out the provisions of this Act.

101. In section 144, the following words shall be inserted at the end of clause (iii) of sub-section (1-*b*):—

"and as to the matters in regard to which and to what extent appeals shall lie from the orders of a taluk Board to the District Board or shall be open to revision by that Board."

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

103. The proviso to section 147 is hereby repealed.

(Madras Act IV of 1884, section 251).

104. In section 150, sub-section (1), the words "a statement" shall be omitted.

105. In section 151, sub-section (2), the words "of the local board" shall be inserted after the words "such annual report".

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

107. After section 152, the following section shall be inserted, namely—

[Madras Act IV of 1884, section 255 (1)].

"152-A. (1) The District Board may, from time to time with the sanction of the Governor in Council, make bye-laws and cancel or alter the same—

(i) for the general or special regulation and control of markets, slaughter-houses, cart-stands, burial and burning grounds and offensive trades and all matters connected with conservancy;

(ii) for securing cleanliness, safety and order in the roads; and

(iii) for carrying out all the purposes of this Act, and may affix fines and penalties for the infringement of such bye-laws.

(2) No bye-law shall be repugnant to any law in force and no fine for any one infringement of a bye-law shall exceed Rs. 50 and in case of a continuing infringement no fine shall exceed Rs. 10 for every day after notice from the taluk Board of such infringement.

(3) No bye-law or cancelment or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Governor in Council.

(4) All bye-laws when they shall have been duly confirmed shall have the force of law."

108. In section 153, the year "1870" shall be altered into "1894."

109. Section 154 is hereby repealed.

110. In section 155,

(*a*) the following shall be substituted for sub-sections (1) and (2) :—

"(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 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 shall have been in substance and effect complied with. And no proceedings under this Act shall, for defect in form, be quashed or set aside in 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 shall have been, in substance and effect, complied with.

(Madras Act IV of 1884, section 262).

(Madras Act IV of 1884, section 262).

(*b*) in sub-section (3), the word "distraint" shall be substituted for the word "distress" wherever it occurs; and the words "bill, notice, schedule, form, summons" shall be inserted between the word "the" and the word "notice."

(*c*) the following shall be inserted as sub-section (4) :—

"(4) Whoever obstructs any person in the performance of his duties as a distrainer under this Act shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 50."

(Madras Act IV of 1884, section 261).

111. For section 156, the following section shall be substituted :—

"156. (1) No action shall be brought against any local board or against any member or servant of such board or against any person acting under the directions of such local board or of a member or servant of such board, 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 next after notice in writing shall have been delivered or left either at the office of the local board or at the place of abode of such member 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 local board, member 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 President of a Local Board 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 local board, except when the action is brought by the local board or the Secretary of State for India in Council under section 157 on account of anything done by the President himself."

(Madras Act IV of 1884, section 260).

112. In section 158, sub-section (2), the words "incorporated or registered" shall be omitted before the word "company"; for the word "a" before the words "local board" shall be substituted the word "the"; and at the end of the sub-section shall be added the words "unless he is a director of such company."

113. After section 162, the following sections shall be inserted, namely :—

(Madras Act IV of 1884, section 263).

"162-A. If under this Act the license or written permission of the taluk board or their President is necessary for the doing of any act in respect of any property, moveable or immoveable, public or private, and if such act is done (*a*) without such license or permission, or (*b*) in a manner inconsistent with the terms of such license or permission: then

(i) the taluk board may, by notice, require the person 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,

(ii) if no penalty has been specially provided in this Act for 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.

(Madras Act IV of 1884, section 264)

162-B. (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

(i) the taluk board or the panchayat, as the case may be, 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,

(ii) 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.

(2) The taluk board or panchayat, as the case may be, 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.

(Madras Act IV of 1884 section 264-A).

162-C. 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."

114. In section 163, the words "bill, form or notice" shall be substituted for the word "notice" wherever it occurs; and the words "adult male member" and "adult male occupier" shall be substituted for the words "adult member" and "adult occupier," respectively.

115. In section 166,

(Madras Act IV of 1884, section 286).

(*a*) in sub-section (1), the words "in case any fine, compensation, penalty or costs imposed or assessed by a Magistrate under or by virtue of this Act or of any bye-law made in pursuance thereof" shall be substituted for the words "whenever any fine imposed under or by virtue of this Act";

(Madras Act IV of 1884, section 286).

(*b*) in sub-section (2), the words "or sum of money" shall be inserted after the words "levy such fine" and after the words "amount of fine";

(*c*) sub-section (3) shall be omitted.

116. The following shall be substituted for Schedule A :—

SCHEDULE A.—(SECTION 57).

Maximum Rates of the Tax on Buildings.

		Per annum. RS.	A.	P.
On every building classed in the 1st class.		10	0	0
,, ,, 2nd ,,		7	0	0
,, ,, 3rd ,,		5	0	0
,, ,, 4th ,,		4	0	0
,, ,, 5th ,,		3	0	0
,, ,, 6th ,,		2	0	0
,, ,, 7th ,,		1	0	0
,, ,, 8th ,,		0	8	0
,, ,, 9th ,,		0	4	0

117. The following shall be substituted for Schedule B :—

SCHEDULE B.—(SECTION 57).

(Madras Act IV of 1884 schedule D).

Maximum Rates of Tolls payable on Carriages, Carts and Animals passing along roads within the district.

	RS.	A.	P.
On every four-wheeled vehicle with springs	0	8	0
On every jatka, hackery or cart, laden	0	4	0
On every jatka, hackery or cart, not laden	0	2	0
On every other vehicle with springs and every palanquin, bicycle or tricycle	0	4	0
On every buffaloe, bull, bullock, cow, or ass, laden or ridden and on every horse under thirteen hands.	0	1	0
On every horse not under thirteen hands	0	2	0
On every elephant	1	0	0
On every camel	0	4	0

Explanation (1).—"Laden."—An animal is not said to be laden when it is merely accoutred for the purpose of being laden or ridden.

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.

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

NOTE.—The marginal references to Act IV of 1884 are to that Act as amended by Act III of 1887 and the references to Act I of 1884 are to that Act as amended by Acts VII of 1884 and II of 1893.

Government of Fort St. George.

LEGISLATIVE (1898) DEPARTMENT.

A

BILL

FURTHER TO

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

DRAFT STATEMENT OF OBJECTS AND REASONS.

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

Section 3 *of the Bill.*—It is desirable to provide for the extension of the Local Boards Act to the scheduled districts.

Section 4.—This makes clear the obvious intention of the Act and follows the wording of Act IV of 1884, as amended by Act III of 1897.

Section 5.—The definitions introduced into the Madras District Municipalities Act IV of 1884, by the amending Act III of 1897, have been adopted with the necessary alterations, and the definitions have been arranged in alphabetical order.

Sections 6 *and* 9.—Omit sections of the main Act, which are now unnecessary.

Sections 7, 14 *and* 88.—These sections carry out the suggestions made by the Government of India in paragraphs 2 and 3 of the letter recorded in G.O., No. 178, Legislative, dated 4th August 1884, as to giving notice before affecting a local board in the manner indicated in the sections referred to.

Section 8.—The object of the amendments is to suit the revised definition of a union, and to carry out the spirit of the suggestion of the Government of India in paragraph 2 of the letter recorded in G.O., No. 178, Legislative, dated 4th August 1884.

Sections 10 *and* 13.—These clauses enable Government to appoint official members by virtue of office as well as by name.

Section 11.—This provides for the designation of an *ex-officio* President in cases in which two or more Revenue taluks belonging to separate Revenue divisions are formed into one Local Fund taluk.

Section 12.—This is intended to make it clear that the President is also a member of the Board.

Section 15.—This follows sub-section (1) of section 17 of Act IV of 1884, as amended by Act III of 1897.

Section 16.—This follows section 18 of Act IV of 1884, as amended by Act III of 1897.

Sections 17 *and* 90.—These follow section 19 of Act IV of 1884, as amended by Act III of 1897.

Section 18.—This follows section 20 of Act IV of 1884, as amended by Act III of 1897.

Section 19.—This follows section 21-A of Act IV of 1884, as amended by Act III of 1897, and the procedure laid down by the proposed amendment is that already followed.

Section 20.—This follows sub-sections (3) and (4) of section 29 of Act IV of 1884, as amended by Act III of 1897.

Sections 21 *and* 93.—These sections make clear the obvious intention of the existing Act as regards the manner in which the proportion of members required to form a quorum shall be calculated. The remaining amendments in these sections follow sub-sections (5) and (3) of section 30 of Act IV of 1884, as amended by Act III of 1897.

Section 22.—This follows section 31 of Act IV of 1884, as amended by Act III of 1897.

Section 23.—This follows sub-section (3) of section 32 of Act IV of 1884, as amended by Act III of 1897.

Section 24.—This follows section 32-A of Act IV of 1884, as amended by Act III of 1897.

Section 25.—This follows section 38 of Act IV of 1884, as amended by Act III of 1897.

Section 26 (*a*) *and* (*c*).—These clauses supply an obvious omission in the present Act.

(*b*) This follows sub-section (1) of section 33 of Act IV of 1884, as amended by Act III of 1897.

Section 27.—This follows sub-section (2) of section 34 of Act IV of 1884, as amended by Act III of 1897.

Section 28.—This follows section 35 of Act IV of 1884, as amended by Act III of 1897.

Section 29.—This follows section 36 and sub-section (3) of section 37 of Act IV of 1884, as amended by Act III of 1897.

Sections 30 *and* 96.—These sections follow section 37 of Act IV of 1884, as amended by Act III of 1897.

Section 31.—This follows section 39 of Act IV of 1884, as amended by Act III of 1897.

Section 32 (*a*).—The amendment is intended to provide for cases in which, for example, it may be found convenient that the servants of a Local Board should do certain work for a Municipality or a Railway Company.

(*b*) This provides for cases in which the immediate withdrawal of a particular individual from Local Fund service may be desirable for departmental reasons.

(*c*) This follows sub-section (5) of section 40 of Act IV of 1884, as amended by Act III of 1897.

Section 33.—This follows sub-sections (1) and (2) of section 42 of Act IV of 1884, as amended by Act III of 1897.

Section 34.—This follows section 43 of Act IV of 1884, as amended by Act III of 1897, and supplies an obvious omission in the Act as regards servants of Panchayats.

Section 35.—The corresponding section 22 of Act IV of 1884 has been omitted, with reference to the remarks of the Government of India in paragraph 5 of its letter, No. 1373, Judicial, dated 8th November 1893.

Section 36.—This follows section 23 of Act IV of 1884, as amended by Act III of 1897.

Section 37.—Taluk Boards and Panchayats, at whose cost rubbish and similar material are collected, are vested with the ownership thereof.

Section 38.—This assimilates the law to that contained in section 26 of Act IV of 1884, as amended by Act III of 1897.

Section 39.—It may be advantageous to transfer property in one taluk to the management of the Board of another taluk.

Section 40 (*a*).—Clause (i) of sub-section (1) of section 54 is now unnecessary.

Section 40 (*b*) *and Section* 42.—These follow the proviso added to section 28 of Act IV of 1884, as amended by Act III of 1897.

Section 41.—The existing provision causes a good deal of unnecessary correspondence.

Sections 43 (*a*), 49 (*a*), 50 (*a*), 53 (*b*), 55 (*a*) *and* 57.—The wording of the corresponding sections in Act IV of 1884, as amended by Act III of 1897, has been adopted.

Section 43 (*b*).—Provision is made for the substitution of a bridge-toll on foot-passengers in places where there were ferry tolls formerly or where a bridge has been erected for the special convenience of such passengers, and there is no other mode of meeting the cost of construction. It is moreover provided that such tolls shall be levied only with the special sanction of the Governor in Council.

(*c*)—From section 93 of the Act, it is clear that license fees for the erection of pandals, &c., are not intended to be confined to Unions. The inconsistency now existing between sections 57 and 93 has therefore been removed. The rates of license fees have been made subject to the approval of the Governor in Council.

(*d*) The object of the amendment is to authorize the levy of fees for the use of Local Fund markets, slaughter-houses and cart-stands, at all times, and not only on the occasion of fairs and festivals, and to make the rates of fees subject to the approval of the Governor in Council.

Section 44.—This follows section 48 of Act IV of 1884, as amended by Act III of 1897.

Section 45.—The proviso is now unnecessary.

Sections 46 *and* 47.—These follow the amendment proposed in section 43 of the Bill.

Section 48.—It is desirable that the Governor in Council should have power to exempt not only persons or classes of persons from taxes and fees, but also animals or vehicles. The Act, as it stands at present, authorizes only the exemption of the former, and it is not clear whether this applies to tolls which are distinguished from taxes in section 57.

Section 49 (*b*).—Otherwise sub-section (1) of section 78 and section 81 cannot be complied with.

Sections 50 (*b*) *and* 56.—These are mere verbal alterations.

Section 50 (*c*).—This follows sub-section (1) of section 63 of Act IV of 1884, as amended by Act III of 1897.

Section 51.—As the Panchayat is, under section 128, only the agent of the Taluk Board it is desirable to give the President some means of exercising an effectual control over the actions of the Chairman.

Section 52.—This introduces the procedure in the collection of house-tax in unions which is followed in Municipalities under Act IV of 1884, as amended by Act III of 1897.

Section 53 (*a*).—This amendment is necessary to suit the alteration made in the foregoing section.

(*c*) This follows sub-section (2) of section 72 of Act IV of 1884, as amended by Act III of 1897.

Section 54.—This follows section 73 of Act IV of 1884, as amended by Act III of 1897.

Section 55 (*c*).—Assimilates the procedure with that obtaining in Municipalities.

(*d*) It is desirable to give the Chairman or his agent power to enter into premises which are locked up as cases have occurred in which people have successfully evaded distraint by wilfully locking up their houses. The other amendment follows section 111 of Act IV of 1884, as amended by Act III of 1897.

Section 58.—The proviso removes inequalities in the assessment which may have escaped detection in the ordinary course.

Section 59.—This follows the amendment of section 79, referred to in section 51 of the Bill.

Section 60.—The amendments in the first portion of this section are merely verbal; the object of the amendment in the second portion is to give Taluk Boards the same power for granting exemptions from building tax, which Municipal Councils possess under section 51 of Act IV of 1884, as amended by Act III of 1897. At present such exemptions can be granted only by the issue of a notification by the Governor in Council under section 63.

Section 61 (*a*).—This follows the amendment of clause (iii) of section 57 of the Act, referred to in section 43 of the Bill.

(*b*) This follows sub-section (3) of section 91 of Act IV of 1884, as amended by Act III of 1897.

(*c*) This is intended to provide for the opening of subsidiary gates which are often necessary.

Section 62 (*a*).—This follows section 43 of the Bill.

(*b*) This follows sub-section (2) of section 95 and section 96 of Act IV of 1884, as amended by Act III of 1897.

Section 63.—The present provision is indefinite and it is desirable to specify the limit within which persons shall be liable to the penalties for evading tolls.

Section 64 (*a*).—This follows clause (v) of section 57 of the Act, as amended by section 43 of the Bill.

(*b*) This supplies an obvious omission which prevents Panchayats from levying market, &c., fees.

Section 65.—This follows section 52-B of Act IV of 1884, as amended by Act III of 1897.

Section 66.—This follows section 106 of Act IV of 1884, as amended by Act III of 1897.

Section 67.—This follows sub-section (3) of section 103 of Act IV of 1884, as amended by Act III of 1897.

Section 68.—This follows section 113 of Act IV of 1884, as amended by Act III of 1897.

Section 69.—This is omitted with reference to the insertion of the word "maintenance" in clause (iii) of section 95, as now amended.

Section 70 (*a*).—The object of this amendment is to cover encroachments by cultivation on a public road.

(*b*) This follows section 170 of Act IV of 1884, as amended by Act III of 1897.

Section 71.—The new sections 98-A, 98-B and 98-C follow sections 168, 173 and 268 of Act IV of 1884 as amended by Act III of 1897 and sections 447 and 449 of Act I of 1884 as amended by Acts VII of 1884 and II of 1893. Section 98-D, empowers Local Boards, which are now powerless in the matter, to compel the removal of the encroachments therein referred to.

Section 72.—The object of this amendment is to make clear the intention of the legislature.

Section 73.—This follows section 228 of Act IV of 1884, as amended by Act III of 1897.

Section 74.—There are towns of considerable importance under the control of taluk boards, and it is desirable that they should be able to exercise some of the sanitary powers which are now used for the public benefit in Municipal towns. Accordingly taluk boards, like municipal councils, may set aside public tanks, &c., for drinking and bathing purposes and close public water sources during epidemics. Section 99 of Act V of 1884 gives them control only over private tanks, &c. For this purpose sections corresponding to sections 154 and 155 of Act IV of 1884, as amended by Act III of 1897, have been added. Similarly sections corresponding to sections 231 and 232 in regard to the prevention of infectious diseases, 188 and 189 in regard to the licensing of tanneries, 234 to 240 relating to the disposal of corpses, 230 prescribing the procedure to deal with stray dogs and pigs and 185 enforcing the repair or protection of dangerous places have also been inserted.

Section 75 (*a*).—It is essential that a time should be specified within which the buildings should be cleansed or drained.

(*b*) This follows sub-section (1) of section 274 of Act IV of 1884 as amended by Act III of 1897.

Sections 76, 77, 78, 79, 80 *and* 83.—The object of these amendments is to permit of the control over vaccination being vested in taluk boards and panchayats, and of the introduction of compulsory vaccination into selected portions of a district, *e.g.*, the more advanced unions. It is essential that vaccine operations should be more closely watched by taluk boards and panchayats; but this cannot be done unless the control over it is vested in them. As the Act at present stands, vaccination must be made compulsory throughout the district at once or not at all, and this has been found in practice to be inconvenient. The provisions in the present Act relating (1) to fees for vaccination or certificates of vaccination, (2) to vaccination of unprotected children exposed to infection, (3) to the giving of notice to the parent or guardian of an unprotected child and the penalty for non-compliance with such notice, and (4) to the prohibition of inoculation have also been amended so as to conform to the corresponding sections of Act IV of 1884 as amended by Act III of 1897.

Section 81.—The corresponding section 139 of Act IV of 1884, as amended by Act III of 1897, has been omitted and provision has been made in section 104 of Act V of 1884 as now amended.

Section 82.—This is intended for the purpose of securing the accuracy of the statistics relating to vaccination.

Section 84.—The addition is desirable in the interests of sanitation.

Section 85.—With reference to the statement regarding section 74 *supra*, it is desirable that taluk boards like municipal councils should have power to open and control markets, slaughter-houses and cart-stands. In fact, these powers are now generally exercised, though not always with legal sanction.

Section 86.—This follows section 114 of Act IV of 1884 as amended by Act III of 1897.

Section 87.—This follows the altered definition of a "union" in section 3 of the Act.

Section 89.—Official members of a panchayat should cease to hold office on transfer from the local area over which the panchayat has authority. Official members of municipal councils and local boards cease to hold office on transfer under section 18 of Act IV of 1884, as amended by Act III of 1897, and section 23 of Act V of 1884, respectively. At present, when officials such as hospital assistants who are commonly members of panchayats are transferred, a formal resignation is required before their places on the panchayat can be filled up.

Section 91.—This is to provide for the despatch of business on the resignation or transfer of a Chairman.

Section 92.—This is intended to provide for cases in which it may be considered advisable to place a union directly under the control of the district board.

Section 94.—The words proposed to be omitted are superfluous and it is desirable to prevent the delegation of power by a Chairman to a member for an indefinite period.

Section 95.—The first two amendments are proposed in order to improve the position of union servants and to permit a Taluk Board President to transfer a clerk whom it may be desirable to remove from a union.

(3) This is intended to carry out the obvious intention of the Act. As the section at present stands, it would appear that the Chairman has no power to fine the union servants, while he can suspend or dismiss them.

Section 97.—Section 128 of the Act provides that every panchayat shall be the agent and under the control of the taluk board, and section 167 provides that the district board shall assume the taluk board's place where the latter does not exist. The words omitted are therefore unnecessary.

Section 98.—This follows the amendment of sections 57 and 93 of the Act, proposed in sections 43 and 64 of the Bill.

Section 99.—The object of the section is to enable panchayats to take up the management of hospitals, dispensaries and schools. It is also desirable that lighting should be made a legitimate charge on union funds.

Section 100.—The new sections 143-A, 143-B, 143-C, 143-D and 143-E follow sections 186, 227, 228, sub-section (2) of section 175 and sub-section (1) of section 282 of Act IV of 1884, as amended by Act III of 1897.

Section 101.—It is desirable that the relation of the District Board to the Taluk Boards should be clearly laid down by rules framed under the Act.

Section 102.—The object of the amendment is to provide for emergent cases where a delay of three months might be prejudicial.

Section 103.—This proviso is now unnecessary.

Section 104.—This follows section 251 of Act IV of 1884, as amended by Act III of 1897.

Section 105.—It is not necessary that the reports of Panchayats should be published in the District Gazette.

Section 106.—This is merely a verbal amendment.

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Section 107.—This follows clauses (iii), (iv) and (v) of sub-section (1) of section 255 of Act IV of 1884, as amended by Act III of 1897.

Section 108.—The Land Acquisition Act X of 1870 has been repealed by Act I of 1894.

Section 109.—Section 154 is now unnecessary.

Section 110 (*a*) *and* (*b*).—This follows section 262 of Act IV of 1884, as amended by Act III of 1897.

(*c*) It is necessary that a distrainer should be protected from obstruction.

Section 111.—This follows section 261 of Act IV of 1884, as amended by Act III of 1897.

Section 112.—This follows the proviso to section 260 of Act IV of 1884, as amended by Act III of 1897.

Section 113.—This follows sections 263, 264 and 264-A of Act IV of 1884, as amended by Act III of 1897.

Section 114.—The first amendment is a desirable improvement on the existing section, and the second is necessary to make the intention of the legislature clear.

Section 115 (*a*) *and* (*b*).—This follows section 286 of Act IV of 1884, as amended by Act III of 1897.

(*c*) The corresponding section 285 of Act IV of 1884, as amended by Act III of 1897, has been repealed.

Section 116.—The present scale of rates is too low, as in some unions there are houses which would, if within Municipal limits, pay twenty or thirty times as much as they do at present.

Section 117.—This follows schedule D to Act IV of 1884, as amended by Act III of 1897.

Section 118.—This alteration is to bring the schedule into accordance with sub-section (2) of section 81 of the Act.

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Legal DEPARTMENT.

Papers to be read in Proceedings:—

Again GO., No.	, dated	189 .
Again G.O., No.	, dated	189 .
Current No. 13	of 1897, dated 16 December, 1897, from the L & M Dept	
" "	" 189 , "	, "
" "	" 189 , "	, "

ORDER. No 3 Legal 15.1.98

Recorded

2. The draft bill together with the Statement of Objects and Reasons will be forwarded to the General Translators to Government with the request that the translations thereof may be made at a very early date. The translations, however, when ready should not be sent to the Superintendent Government Press, pending receipt of further orders

H.T. 15-1-98

To The L & M dept (Q+O)
" Translators to Govt (P+O)
" Supdt Govt Press (P+O)

3765 17/1/98

Note. It is respectfully submitted that it is very desirable to have the translations of the Bill & Statt. of O & R ready to be published as soon as India's Sanction is received. The translators will have not much difficulty in revising these translations when the Bill is revised by the Advocate-General or altered in accordance with any suggestions of the Govt of India.

CRV 15/1/98

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No. DATE.

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