Government of Madras

LOCAL ADMINISTRATION DEPARTMENT

G.O. No. 3917, 12th November 1940

Rules—Municipal councils and district boards—Establishments—Amendments—Confirmed.

READ—the following paper :—

G.O. No. 2823, L.A., dated 9th August 1940.

Order—No. 3917, L.A., dated 12th November 1940.

In G.O. No. 2823, L.A., dated the 9th August 1940, the Government published for general information, the draft of certain amendments to the rules relating to establishments under municipal councils and district boards.

2. The only suggestion received in respect of the draft amendments is in regard to some minor alterations to sub-rule (1) of rule 7-B of the municipal rules and rule 8-B of the district board rules. The necessary alterations will accordingly be made.

3. The amendments as thus revised are confirmed. The appended notifications will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor.)

A. F. W. DIXON,
Secretary to Government.

To the Executive Authorities of all municipal councils (through the Chairmen of Municipal Councils concerned).
,, all Presidents of District Boards.
,, all Collectors (except Collector of Madras).
,, the Inspector of Municipal Councils and Local Boards.
,, the Examiner of Local Fund Accounts.
,, the Director of Public Health.
,, the Director of Public Instruction.
,, the Surgeon-General.
,, the Sanitary Engineer, through the Chief Engineer, Public Works Department.
,, the Public (Political) Department.
,, the Legal Department.
,, the Education and Public Health Department.
,, the Principal, Indian Medical School.
,, the Superintendent, Government Press, for publication of the notifications in the *Fort St. George Gazette*.

APPENDIX

NOTIFICATIONS.

I

In exercise of the powers conferred by sections 73 and 74 and clause (*a*) of sub-section (2) of section 303 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), and rule 37 of Schedule IV to the said Act, His Excellency the Governor of Madras is hereby pleased to make the following amendments to the rules relating to establishments under municipal councils published with Local Self-Government Department Notification No. 687, dated the 2nd June 1936, at pages 316 to 318 of Part I-A of the *Fort St. George Gazette*, dated the 16th June 1936, as subsequently amended:—

AMENDMENTS.

In the said rules—

(1) For the words "Local Government" and "Presidency of Madras" wherever they occur, the words "Government" and "Province of Madras" shall be substituted respectively.

(2) In rule 7—

(i) for the second sentence of sub-rule (1), the following sentence shall be substituted, namely:—

"A person appointed to a post shall be eligible to count for probation in that post his service, if any, rendered subsequently in another post, the appointment to which involves the assumption of duties and responsibilities of equal or greater importance than those attaching to the former post."; and

(ii) to sub-rule (5), the following provisos shall be added, namely:—

"Provided that where a person who is on probation or who has completed his period of probation in a grade is deputed for military duty, he shall be confirmed at the earliest opportunity, as soon as a substantive vacancy arises in the grade, while he is on military duty or after his return from such duty, in preference to all persons whose date of first appointment which counts for probation in the grade is later than his, subject, in the case of a person on probation, to the condition that he shall, after the completion of his military duty, undergo and satisfactorily complete the prescribed probation:

Provided further that in computing the continuous period of three years under sub-rule (1) in the case of a person on probation in a grade, the period of absence on deputation for military duty, during which he would have held a post in the said grade but for such absence, shall be excluded."

(3) For sub-rule (1) of rule 7-B, the following sub-rule shall be substituted, namely:—

"(1) The posts of Manager, Accountant, upper division clerks, clerk or accountant in the Electricity department, Revenue Officer and Headmasters of high schools shall be selection posts. All the ministerial posts other than those specified in this sub-rule shall be non-selection posts."

(4) In rule 8, for the words "service of Government" in both places where they occur, the words "service of the Crown." shall be substituted.

(5) In rule 14, for the words "of the Government," the words "of the Crown" shall be substituted.

(6) After rule 23, the following rule shall be added, namely:—

"24. In these rules unless there is anything repugnant in the subject or context, "Government" means the Government of Madras."

II

In exercise of the powers conferred by section 70, sub-section (1) of section 71 and clause (*a*) of sub-section (2) of section 199 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), and clause (*a*) of sub-rule (1) of rule 1-C of Schedule V to the said Act, His Excellency the Governor of Madras is hereby pleased to make the following amendments to the rules relating to establishments under district boards published with Local Self-Government Department Notification No. 688, dated the 2nd June 1936, at pages 318 to 320 of Part I-A of the *Fort St. George Gazette*, dated the 16th June 1936, as subsequently amended:—

AMENDMENTS.

In the said rules—

(1) For the words "Local Government" and "Provincial Government" wherever they occur, the word "Government" shall be substituted.

(2) In clauses (*a*) and (*d*) of sub-rule (1) of rule 1, the word "vernacular" shall be omitted.

(3) In the proviso to rule 7, for the words "Presidency of Madras" the words "Province of Madras" shall be substituted.

(4) In rule 8—

(i) in sub-rule (1), for the sentence "Such probation may be either in the said post or in any other post with similar duties," the following sentence shall be substituted, namely:—

"A person appointed to a post shall be eligible to count for probation in that post his service if any rendered subsequently in another post, the appointment to which involves the assumption of duties and responsibilities of equal or greater importance than those attaching to the former post"; and

(ii) to sub-rule (5), the following provisos shall be added, namely:—

"Provided that where a person who is on probation or who has completed his period of probation in a grade is deputed for military duty, he shall be confirmed at the earliest opportunity, as soon as a substantive vacancy arises in the grade, while he is on military duty or after his return from such duty, in preference to all persons whose date of first appointment which counts for probation in the grade, is later than his, subject, in the case of a person on probation, to the condition that he shall, after the completion of his military duty, undergo and satisfactorily complete the prescribed probation:

Provided further that in computing the continuous period of three years under sub-rule (1) in the case of a person on probation in a grade, the period of absence on deputation for military duty, during which he would have held a post in the said grade but for such absence, shall be excluded.".

(5) In sub-rule (1) of rule 8-B—

(i) for the words "The posts of Secretary, Superintendent and Accountant" the words "The posts of Secretary, Superintendent, Accountant and upper division clerks" shall be substituted; and

(ii) for the words "Headmasters of secondary schools" the words "Headmasters of high schools" shall be substituted.

(6) In rule 9, for the words "service of Government" in both places where they occur, the words "service of the Crown" shall be substituted.

(7) In the proviso to rule 14, for the words "Presidency of Madras" and "of the Government" the words "Province of Madras" and "of the Crown" shall be substituted respectively.

(8) After rule 25, the following rule shall be added, namely:—

"26. In these rules, unless there is anything repugnant in the subject or context, "Government" means the Government of Madras."

or by any omission, shall be punished with imprisonment of either description which may extend to one year or with fine or with both.

Procedure before magistrate.

75. *No magistrate shall take cognizance of any offence punishable under sections* 68 *to* 74 *(both inclusive)*—

(*a*) *except on the complaint of a person whose name is on the electoral roll, and*

(*b*) *unless such complaint has been made within seven days of the date of the declaration of the result of any election to which the offence relates, or within seven days of the date on which the offence is alleged to have been committed.*

Order of disqualification.

76. *Every person convicted of an offence punishable under sections* 68 *to* 74 *(both inclusive) shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of councillor under this Act for such period, not being less than three years or more than seven years from the date of his conviction, as the court may by order determine.*

CHAPTER IV.—GENERAL POWERS OF MUNICIPAL AUTHORITIES AS TO PROPERTY, CONTRACTS, ESTABLISHMENT.

Property.

Restrictions as to Esplanade.

77. (1) Notwithstanding anything contained in this Act, all buildings and lands belonging to the Government in that part of the military zone of Fort St. George which is known as the Esplanade, as described in schedule *III*, shall be subject to the control of the general officer commanding the Madras district.

(2) Permission to construct a masonry building on the Esplanade shall not be given or be deemed to have been given unless and until the sanction of the *Governor in Council* and of the *Governor-General in Council* has been obtained.

(3) Such sanction shall not be applied for unless the plan of the building and the site plan of the land have been approved by the *commissioner*.

(4) If the construction or re-construction of any masonry building on the Esplanade is commenced, carried on or completed without the sanction of the *Governor in Council* and the *Governor-General in Council*, the *commissioner* shall, if *so* requested by the general officer commanding the Madras district, by notice direct the owner to demolish *anything so constructed or re-constructed* or cause *the same* to be demolished at the expense of the owner.

(5) No person shall be entitled to compensation on account of such demolition.

(6) *If the owner fails to obey a direction of the commissioner to carry out such demolition, he shall be liable on conviction to the penalty provided in section 379.*

Limitation of power to accept property in trust.

78. *The council may accept trusts relating exclusively to the furtherance of purposes to which the municipal fund may be applied.*

Acquisition of property and interests therein.

79. *Subject to the provisions of section 85, the commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interests in such property:*

Provided that—

(a) the commissioner shall be bound by any resolution of the standing committee fixing terms, rates or maximum prices for a particular case or for any class of cases;

(b) the specific sanction of the standing committee shall be required for the exchange of any immovable property, for any lease for a term exceeding twelve months, or for the acceptance of any gift, or bequest of property burdened by an obligation; and

(c) the sanction of the council shall be required—

(i) *for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees,*

(ii) *for any lease for a term exceeding three years, or*

(iii) *for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds one thousand rupees.*

Disposal of property and interests therein.

80. (1) *Subject to the provisions of section 85, the commissioner may dispose of any corporation movable property the value of which does not exceed five hundred rupees in each instance, or grant for any term not exceeding twelve months a lease of any corporation immovable property not being public land, or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like, exercisable in respect of corporation land whether public or private:*

Provided that every such lease or concession granted by the commissioner shall be reported to the standing committee within fifteen days.

(2) *With the sanction of the standing committee, the commissioner may dispose of any corporation movable property the value of which does not exceed five thousand rupees in each instance, or grant for any term not exceeding three years a lease of any corporation immovable property not being public land, or a lease or concession of any such right as aforesaid.*

(3) *With the sanction of the council, the commissioner may lease, sell or otherwise dispose of any corporation property, movable or immovable, not being public land.*

(4) *The sanction of the standing committee under sub-section (2) or that of the council under sub-section (3) may be given either generally for any class of cases or specially for any particular case.*

Procedure for acquisition of immovable property under the Land Acquisition Act, 1894.

81. Any *immovable property* which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment out of the municipal fund of the compensation awarded under the said Act in respect of such *property* and of any other charges incurred in acquiring *it*, the said *property* shall vest in the corporation.

Contracts.

Power of council to determine whether works shall be executed by contract.

82. *The council may determine either generally for any class of cases or specially for any particular case whether the commissioner shall execute works by contract or by departmental agency.*

Power of the several authorities to sanction estimates.

83. (1) *The commissioner may sanction any estimate, the amount of which does not exceed ten thousand rupees.*

(2) *When the amount of the estimate exceeds ten thousand rupees but does not exceed two and a half lakhs of rupees the sanction of the standing committee shall be required.*

Works costing more than 2½ lakhs of rupees.

84. (1) When *a* project is framed for the execution of any work or series of works the entire estimated cost of which *exceeds two and a half lakhs of rupees,*

(a) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the standing committee shall lay the same before the council;

(b) the council shall consider the report and may reject the project or may approve it either in its entirety or subject to modifications;

(c) if the council approve the project, the report, subject to any modifications as aforesaid, shall be submitted to the Governor in Council.

(2) *The Governor in Council may reject the project or may sanction it either in its entirety or subject to modification.*

(3) The work shall not be commenced until the project has been sanctioned by the *Governor in Council with or without modification.*

(4) *No* material change in the project *as* sanctioned under sub-section (2) shall be carried into effect *without the sanction of the Governor in Council.*

General provisions regarding contracts.

85. With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely—

(*a*) every contract shall be made on behalf of the corporation by the *commissioner ;*

(*b*) *no* contract for any purpose, which, in accordance with any provision of this Act, the *commissioner* may not carry out without the sanction *of one of the other municipal authorities*, shall be made by him *unless such sanction has been given ;*

(*c*) no contract *involving* an expenditure exceeding *ten* thousand rupees shall be made by the *commissioner* unless *it* has been *sanctioned* by the standing committee ;

(*d*) *every* contract *made by the commissioner* involving an expenditure exceeding *one thousand rupees and not* exceeding *ten thousand rupees* shall be *reported to the standing committee within fifteen days after it has been made.*

Mode of making contracts.

86. (1) Every contract *entered into by the commissioner* on behalf of the corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf, and may in like manner and form be varied or discharged :

Provided that—

(*a*) the common seal *of the corporation shall be affixed to every contract, which if made between private persons, would require to be under seal ; and*

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify—

(i) the work to be done or the materials or goods to be supplied, as the case may be,

(ii) the price to be paid for such work, materials or goods, and

(iii) in the case of a contract for work, the time within which *the work* or specified portions thereof shall be completed.

(2) The common seal of the corporation shall remain in the custody of the *municipal secretary*, and shall not be affixed to any contract or other instrument except in the presence of *two members of the standing committee, who* shall attach *their* signatures to the contract or instrument in token that the same was sealed in *their* presence. *The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.*

Invitation of tenders.

87. (1) At least seven days *before entering into any contract for the execution* of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, *the commissioner shall give notice* by advertisement *in the local newspapers, inviting* tenders *for such contract* :

Provided that the standing committee may, for reasons which shall be recorded in its proceedings, authorize the commissioner to enter into a contract without inviting tenders.

(2) *On receipt of the tenders made in pursuance of the notice given under sub-section* (1), *the commissioner may, subject to the provisions of section* 85, *accept any tender which appears to him, upon a view of all the circumstances, to be the most advantageous, but he shall not reject all the tenders without the sanction of the standing committee.*

Saving of certain irregularities.

88. *When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of section* 85, *section* 86 *or section* 87 *merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded, unless at the time of entering upon the contract the parties had sufficient cause to believe that such limits would be exceeded.*

ILLUSTRATION.—*Plague breaks out in the city and a concentration camp is opened. The commissioner makes a contract for the dieting of patients at three annas per head per day, neither he nor the contractor having sufficient cause to believe that the outbreak is likely to last so long as to involve expenditure exceeding Rs.* 1,000. *The expenditure under the contract eventually*

*exceeds Rs.*10,000. *The contract is valid notwithstanding that the commissioner did not obtain the sanction of the standing committee under section* 85, *did not cause the contract to be sealed under section* 86 *and did not invite tenders under section* 87.

Security for performance of contracts.

89. The *commissioner* shall take sufficient security for the due performance of *every* contract into which he enters after a tender has been accepted, and may, in his discretion, take security for the due performance of any other contract into which he enters under this Act.

Establishment.

Distinction of corporation and council establishments.

90. *The municipal staff shall consist of a general corporation establishment appointed in accordance with sections 91, 92, 93, 95 and 96 and a special council establishment appointed in accordance with sections 100 and 104.*

The Health officer, the Engineer, and the Revenue Officer.

91. (1) *The council* shall appoint a health officer, an engineer and a revenue officer, *who shall be heads of departments working under the commissioner:*

Provided that—

(a) every such appointment shall be subject to confirmation by the Governor in Council; and

(b) the monthly salary of the health officer and the engineer shall not be less than six hundred rupees and shall not exceed fifteen hundred rupees and the monthly salary of the revenue officer shall not be *less* than six hundred rupees and *shall not exceed twelve hundred rupees.*

(2) *The said officers shall devote their whole time and attention to the duties of their respective offices and shall not engage in any other profession, trade or business whatever.*

Special superior appointments.

92. *The council may appoint—*

(a) special health officers for the purpose of making investigations and proposing preventive or remedial measures with reference to the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city;

(b) special engineers, architects or experts in town improvement or town planning for the purpose of preparing, executing or supervising any special scheme undertaken by the corporation;

(c) special revenue officers for the purpose of carrying out a periodical revision of assessment, introducing a new tax or discharging any extraordinary duty connected with the revenue administration of the corporation:

Provided that—

(i) no such special office shall be created without the sanction of the Governor in Council;

(ii) the period of duration of any such office, the salary, the allowances and the conditions of service attaching thereto shall be fixed by the council subject to the sanction of the Governor in Council, save as expressly laid down in section 94, and shall not be varied without the like sanction; and

(iii) every appointment to any such office shall be subject to confirmation by the Governor in Council.

Time within which vacancy in superior appointment must be filled up.

93. (1) *If a vacancy occurs in any office specified in sections 91 and 92 or any new office is created under section 92, the council shall within four months appoint some person to hold such office.*

(2) If the Governor in Council refuses to confirm the appointment so made, the council shall make a fresh appointment within thirty days from the receipt of the order refusing confirmation.

(3) In default of any appointment or fresh appointment being made in accordance with sub-section (1) or sub-section (2), as the case may be, the Governor in Council may appoint a person to hold the office and such person shall be deemed to have been appointed by the council.

(4) Pending the settlement of an appointment under sub-section (1) or sub-section (2), the council may appoint a person to hold the office temporarily and may assign to him such salary as they shall think fit:

Provided always that the salary so assigned shall not exceed the maximum laid down in section 91 or fixed with the sanction of the Governor in Council under section 92 in respect of the office held.

Removal and leave, pensionary and leave contributions of superior officers.

94. (1) *Any officer appointed under section 91, section 92 or sub-section (3) of section 93 may be removed from office by the Governor in Council and shall be so removed if his removal is recommended by a resolution of the council passed at a special meeting called for the purpose and supported by a vote of not less than twenty-eight councillors.*

(2) Leave may be granted to any such officer by the commissioner for periods not exceeding one month and by the council for longer periods.

(3) If any such officer is a civil or military officer in the service of the Government, the corporation shall contribute to his leave allowances, pension and

provident fund to the extent required by the regulations of the Governor-General in Council for the time being in force with respect to civil and military officers.

(4) *If any such officer is not a civil or military officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the municipal fund shall be governed by regulations approved by the Governor in Council.*

Provided as follows :—

(a) *the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the Government of India exceed what would be admissible in the case of Government servants of similar standing and status ; and*

(b) *the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.*

Power of local government to appoint special health officers.

95. In the event of *the occurrence of* any unusual mortality or the prevalence *or apprehended outbreak* of any dangerous disease within the city the *Governor in Council, if he considers immediate action necessary, may of his own motion* appoint a special *health* officer *at the expense of the municipal fund :*

Provided that—

(a) *the duration of the special office shall not exceed six months ; and*

(b) the corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof.

Appointments to general corporation establishment.

96. *Subject to the provisions of sections 91, 92, 93 and 95, appointments to the general corporation establishment shall be made—*

(a) *by the council, if the maximum monthly salary of the office exceeds five hundred rupees ;*

(b) *by the commissioner in all other cases.*

Establishment schedule.

97. (1) *The commissioner shall, from time to time, lay before the standing committee a schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the general corporation establishment, and embodying his proposals with regard to the salaries, fees and allowances payable to them.*

(2) *The standing committee shall sanction such schedule with or without modification as it deems expedient and may from time to time amend it on the motion of the commissioner ;*

Provided that no new office shall be created—

(a) *without the sanction of the council if the maximum monthly salary exceeds one hundred rupees ; or*

(b) *without the approval of the council and the sanction of the Governor in Council if the maximum monthly salary exceeds two hundred and fifty rupees.*

Restriction of employment of establishment.

98. *No officer or servant shall be entertained on the general corporation establishment unless he has been appointed under section 91, section 92, section 93 or section 95 or unless his office and emoluments are included in the schedule sanctioned under section 97.*

Commissioner controls corporation establishment.

99. *Subject to the provisions of this Act and to the by-laws and regulations for the time being in force, the commissioner* shall prescribe the duties *of the corporation establishment* and exercise supervision and control over their acts and proceedings and dispose of all questions relating to their *conduct*, service, pay, allowances, *leave, pension and provident fund privileges.*

Power of standing committee to appoint municipal secretary.

100. *The standing committee shall appoint a municipal secretary to discharge the functions of secretary to the council and to the standing committee.*

Functions of secretary.

101. (1) *The municipal secretary shall—*

(a) *have the custody of all papers and documents connected with the proceedings of—*

(i) *the council and any committee appointed by the council,*

(ii) *the standing committee and any sub-committee thereof ; and*

(b) *perform such duties relative to the proceedings of the bodies aforesaid as the council and the standing committee may respectively direct.*

(2) *He shall devote his whole time and attention to the duties of his office and shall not engage in any other profession, trade or business whatever.*

Salary of municipal secretary.

102. *The monthly salary of the municipal secretary shall not be less than three hundred rupees and shall not exceed seven hundred rupees ;*

Provided that—

(a) *the sanction of the council shall be requisite for the grant of any salary in excess of the minimum herein laid down; and*

(b) *no salary in excess of five hundred rupees shall be sanctioned unless the municipal secretary has rendered seven years' approved service.*

Removal of municipal secretary.

103. *The municipal secretary shall not be removable from office without the approval of the council.*

Municipal secretary's establishment.

104. (1) *The standing committee shall—*

(a) *appoint such clerks or servants to be immediately subordinate to the municipal secretary as it thinks fit; and*

(b) *determine the salaries, fees and allowances payable to the said clerks and servants.*

(2) *Subject to the orders of the standing committee the municipal secretary shall prescribe the duties of the said clerks and servants and exercise supervision and control over their acts and proceedings.*

Power of standing committee to dispose of questions relating to council establishment.

105. *Subject to the provisions of this Act and to the by-laws and regulations for the time being in force, the standing committee shall dispose of all questions relating to the conduct, service, pay, allowances, leave, pension and provident fund privileges of the special council establishment.*

Contributions in respect of Government servants.

106. If an officer *or servant* serving or having served under the Corporation is or has been transferred from or to the service of the Government, or is employed partly by the Government and partly by the corporation, the corporation shall contribute to his pension and leave allowances to the extent required by the rules made by the Governor-General in Council in this behalf and for the time being in force.

Power of standing committee to frame service regulations.

107. *Subject to the provisions of sections 92, 94 and 106, the standing committee may frame regulations in respect of officers and servants on the municipal staff—*

(*a*) fixing the amount and nature of security to be furnished;

(*b*) prescribing educational *or other* qualifications;

(*c*) regulating the grant of leave, leave allowances and acting allowances;

(*d*) regulating the grant of pensions and gratuities;

(*e*) establishing and maintaining provident funds *and making contribution thereto compulsory;*

(*f*) *regulating conduct; and*

(*g*) *generally prescribing conditions of service:*

Provided that every regulation so framed shall be subject to confirmation by the council, and that every regulation framed under clause (d) or clause (e) shall also require the sanction of the Governor in Council.

Provided also (i) *that the amount of any leave and leave allowances, gratuity or pension granted under these regulations shall in no case without the special sanction of the Government of India exceed what would be admissible in the case of Government servants of similar standing and status, and* (ii) *that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.*

Power to punish establishment.

108. (1) *Subject to the provisions of sections 94 and 103, any* officer or servant *may be* fined, reduced, suspended, *removed* or dismissed *by the authority competent to appoint him; and the order of such authority shall be final:*

Provided that no officer whose monthly salary exceeds two hundred rupees shall be removed or dismissed by the commissioner without the sanction of the standing committee.

(2) *Pending a resolution of the council the commissioner may suspend any officer appointed by that authority:*

Provided always that he shall forthwith report to the council the reasons for his action.

Power to grant leave to establishment.

109. *Save as provided in section 94, leave may be granted to the general corporation establishment by the commissioner, and to the special council establishment by the standing committee.*

PART III.

TAXATION AND FINANCE.

CHAPTER V—TAXATION.

Enumeration of taxes.

Enumeration of taxes, duties and tolls.

110. *The Corporation shall levy—*

(*a*) *a property tax,*

(*b*) *a tax on companies,*

(*c*) *a profession tax,*

(*d*) a tax on *carriages* and animals,

(*e*) a tax on carts,

(*f*) tolls on vehicles and animals entering *the city,*

and may, with the previous sanction of the Governor in Council and the Governor-General in Council, levy

(*g*) *a terminal tax on railway passengers,*

(*h*) *an additional stamp duty on instruments of sale, gift and usufructuary mortgage.*

The Property Tax.

The consolidated property tax.

111. (1) *The property tax, which shall be levied at a consolidated rate on all buildings and lands within the city save those exempted by this Act or any other law for the time being in force, shall comprise—*

(*a*) *a water and drainage tax for the purpose of defraying the expenses connected with the water and drainage systems ;*

(*b*) *a lighting tax for the purpose of defraying the expenses connected with the lighting of the city, public markets and corporation buildings ; and*

(*c*) *a tax for general purposes.*

(2) *Subject to the provisions of section 114, the taxes described in sub-section (1) shall be levied at rates fixed at percentages of the annual value of lands and buildings, such rates being determined by the council.*

(3) *For the purpose of assessing the property tax* the annual value of any building or land shall be *determined by the commissioner*

Method of assessment of property tax.

112. (1) *Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.*

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which *they may* reasonably be expected to let from month to month or from year to year :

Provided that—

(*a*) *if the gross annual rent of buildings of a class not ordinarily let* cannot, in the opinion of the *commissioner*, be estimated, the annual value *of the premises* shall be deemed to be six per centum on the sum obtained by adding the estimated present cost of erecting the buildings less a reasonable amount on account of depreciation, if any, to the estimated value of the land valued with the buildings as part of the premises,

(*b*) machinery shall be excluded *from valuations under this section.*

General exemptions.

113. The following buildings and lands shall be exempt from the property tax :—

(*a*) *Property vested in the trustees of the Port of Madras under Madras Act II of* 1905 ;

(*b*) Places set apart for public worship and either actually so used or used for no other purpose ;

(*c*) Hospitals ;

(*d*) Burial and burning grounds *included in the list published by the commissioner under section 338 (3) of this Act ;* and

(*e*) *Public land.*

Special exemptions and alternative base of property tax.

114. *The council shall levy the property tax at a uniform rate :*

Provided that—

(*a*) *the council may, with the sanction of the Governor in Council, exempt any local area from the whole or a proportion of the water and drainage tax or of the lighting tax on the ground that such areas are not deriving full benefit from the water-supply and drainage or from the lighting system ;*

(*b*) *the council may by a general resolution exempt* any building or land *from the property tax—*

(i) *if the annual value of the same does not exceed a sum specified in the said resolution, such sum not being greater than thirty-six rupees, and*

(ii) *the owner does not own any other building or land assessed to the property tax and is not liable to income-tax ;*

(*c*) *in the case of any land which is not appurtenant to any building or which is occupied by or appurtenant to huts the commissioner may assess the land or premises, as the case may be, with reference to extent in lieu of annual value and at such rates as he may himself determine*

subject always to the following maxima per ground of land measuring two thousand and four hundred square feet :—

(i) *for the water and drainage tax—three rupees ;*

(ii) *for the lighting tax—one rupee ;*

(iii) *for the tax for general purposes —four rupees.*

Property tax a first charge on property and movables.

115. *The property* tax on buildings and lands shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax.

Payment of property tax in half-yearly instalments.

116. *The property* tax shall be paid by the owner *of the assessed premises* in two equal instalments, each instalment being payable, *save as otherwise expressly provided in schedule IV*, within fifteen days after the commencement of the half-year to which it relates.

Vacancy remission.

117. (1) When any building has been vacant for thirty consecutive days in any half-year, the *commissioner* shall, if the owner of such building or his agent has given notice, remit so much, not exceeding a moiety of the tax due for such half-year, as is proportionate to the number of days during which the building was vacant.

(2) The period in respect of which the remission is made shall be calculated from the date of delivery of such notice to the *commissioner* ; and every such notice shall expire with the half-year during which it is so delivered, and shall have no effect thereafter.

(3) The *commissioner may at his discretion condone omissions to give notice under sub-section (1), provided that he shall record in writing the reasons for every such condonation.*

Obligation of transferor and transferee to give notice of transfer.

118. (1) *Whenever the title of any person primarily liable to the payment of the property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be effected, give notice of such transfer, in writing to the commissioner.*

(2) *In the event of the death of any person primarily liable as aforesaid the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give written notice of such transfer to the commissioner within one year from the death of the deceased.*

(3) *The notice to be given under this section shall be in such form as the commissioner may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the commissioner any documents evidencing the transfer or succession.*

(4) *Every person who makes a transfer as aforesaid without giving such notice to the commissioner shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers, but nothing in this section shall be held to affect—*

(a) the liability of the transferee for the payment of the said tax, or

(b) the prior claim of the corporation under section 115.

Owner's obligation to give notice of construction or re-construction of building.

119. If any building is constructed or re-constructed, the owner shall give notice thereof to the *commissioner* within fifteen days from the date of its completion or occupation whichever is earlier.

Owner's obligation to give notice of demolition of building and liability on failure.

120. (1) If any building is demolished, the owner shall give notice thereof to the *commissioner*.

(2) Until such notice is given the said owner shall be liable, at the discretion of the *commissioner*, for the payment of *the property tax* which would have been leviable had such building not been demolished.

Commissioner's power to call for information and to enter upon premises.

121. (1) For the purpose *of assessing the property tax*, the *commissioner* may, by notice, call on the owner or occupier of any building or land to furnish him, within a week after the service of the notice, with returns of the rent *payable* for the building or land, the cost of erecting the building and the measurements *of the land*, and every owner or occupier upon whom *any such notice* is served shall be bound to comply with *it* and to make a true return to the best of his knowledge or belief.

(2) *For the purpose aforesaid the commissioner* may enter, inspect, survey and

measure *any* building or land, after giving twenty-four hours' notice to the owner or occupier.

Tax on companies.

Taxation of companies trading for sixty days in half-year on their capital.

122. *Every joint stock company or other company transacting business within the city for profit or as a benefit society shall pay by way of licence fee but in addition to any other licence fee that may be leviable under this Act a half-yearly tax on its paid up capital on the scale shown in the taxation rules in schedule IV but in no case exceeding rupees five hundred, if and as soon as it has transacted business in the city for the period prescribed in section* 125.

Explanation.— Whenever a company has an office, agent or firm to represent it for the purpose of transacting business in the city, such company shall be deemed to transact business in the city and such office, agent or firm shall be liable for the tax in respect of the company's business, whether or not such office, agent or firm has power to make binding contracts on behalf of the company.

Profession tax.

Licence tax on professions, arts, trades, callings and appointments.

123. (1) Every person *not liable for the companies' tax* who, within the city and for the period prescribed in section 125 exercises a profession, art, trade or calling or holds any appointment, *public or private*, bringing him within one or more of the classes of persons specified in the taxation rules in schedule *IV* shall pay *by way of licence fee and in addition to any other licence fee that may be leviable under this Act a tax as determined under the said rules but in no case exceeding rupees five hundred in the half-year ; and such tax may be described as the profession tax.*

(2) A person shall be chargeable under the class appropriate to his aggregate income from all professions, arts, trades, callings and appointments exercised or held by him.

(3) *No person who shall prove that he has paid the sum due on account of the profession tax levied under the Madras District Municipalities Act*, 1884, *or the Indian Cantonments Act*, 1889, *for the same half-year in any other municipality or cantonment in the Madras Presidency shall be liable by reason merely of change of business, appointment, residence or place of business to pay more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the half-year under this Act.*

Liability of member of firm or undivided family for profession tax.

124. The profession tax leviable from a firm or undivided Hindu family may be levied from any member of that firm or family.

Provisions common to Companies' and Profession tax.

Payment when due and notice to pay.

125. If in any half-year *any company transacts business* or any person exercises a profession, art, trade or calling or holds any appointment *rendering him liable to the profession tax* for sixty days *in the aggregate such company or other person shall become liable for the companies' or profession tax, as the case may be, and if the tax* due in respect of *the* half-year is *not paid*, the *commissioner shall* cause a notice to be served on such person *to pay it* within fifteen days from the date of such service.

Requisition on owner or occupier to furnish list of persons liable to tax.

126. The *commissioner* may by notice require the owner or occupier of any building or land *and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers* to furnish within a specified time a list in writing, containing the names of all persons occupying such building or land and specifying the profession, art, trade or calling, or appointment of every such person, *and the rent, if any, paid by him.*

Requisition on employer or their representative to furnish list of persons liable to tax.

127. The *commissioner* may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding-house or club, or of a firm or company

(*a*) to furnish within a specified time a list in writing of the names of all *such* persons *employed by such employer or by* such office, *hotel, boarding-house or club*, firm or company *as officers, servants, dubashes, agents, suppliers or contractors* with a statement of the salary or income of each of *such employed persons* ; and

(*b*) to furnish particulars in regard to any incorporated company of which such employer, head, secretary *or manager*, as the case may be, is the agent.

Tax on Carriages and Animals.

General provisions regarding tax on carriages and animals.

128. (1) *The tax on carriages and animals shall be levied by half-yearly instalments on carriages and animals kept within the city which are of the kinds specified in Part III of Schedule IV.*

(2) *The rates of the tax shall be determined by the council, provided always that they shall not exceed the maxima laid down in Part III of Schedule IV.*

Fee for registration.

(2) *Subject to the exemptions set out in section* 137, such tax not exceeding *four* rupees as the *commissioner* may fix shall be paid *on* each registration *under sub-section* (1):

Provided that in the case of a cart on account of which tax has already been paid by a previous owner no further tax shall be payable in respect of a subsequent registration during the same half-year.

Affixing number on carts.

(3) *The commissioner may* direct *that a municipal* number *shall be* affixed *to every registered cart.*

Notification of days of registration.

(4) *The commissioner* shall notify certain days in every half-year *for the registration and numbering of carts and the payment of the tax.*

Entry of registration in book.

(5) All registrations made *and numbers affixed* under *this section* shall be entered in a book to be kept for the purpose at the municipal office.

Inspection of register.

(6) Such book shall be open to the inspection of any tax-payer at all reasonable times without charge.

Exemptions.

137. The cart-tax shall not be *levied* on

(*a*) gun carriages, ordnance carts or wagons or other such property of the government; and

(*b*) carts kept solely for sale *by cart makers and* dealers.

Power to remit tax on cart kept for less than fifteen days or not used.

138. The *commissioner* may remit the *whole or* a portion of the *cart*-tax in *respect of any cart which is shown to his satisfaction* to have been kept *or let out for hire within the city for an aggregate period not exceeding fifteen days* in *the* half-year *or to have been under repair or standing at a cart maker's during the whole of the half-year.*

Power to seize carriages and carts not bearing numbers.

Seizure of vehicles not bearing numbers.

139. *If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section* 134 *or section* 136, *as the case may be*, the *commissioner* may at any time seize and detain *the* vehicle *and* the animal, *if any*, *by which it is drawn*:

Provided that no vehicle other than a bicycle, tricycle, motor-bicycle or rickshaw shall be seized *or* detained when *actually* employed in the conveyance of any passenger or goods.

Procedure after seizure.

140. (1) If *a vehicle* or animal is *detained under section* 139 *and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon* within ten days from the date of seizure, the *commissioner* may direct that

the vehicle or animal shall be sold *in* public auction and the proceeds of the sale applied to the payment of—

(i) the tax, *if any*, due on the *vehicle* or animal sold;

(ii) such penalty not exceeding the amount of the tax as the *commissioner* may direct; and

(iii) the charges incurred in connexion with the seizure, detention and sale.

(2) If there is a surplus after such payment, the *commissioner* shall, on demand made within six months from the date of sale, *make it over* to the owner or *other* person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

(3) If the owner of the *vehicle* or animal *or other person entitled thereto claims the same* within ten days from the date of seizure *or at any time before the sale*, it shall be returned to him on payment of—

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the *commissioner* may direct; and

(iii) the charges incurred in connection with the seizure and detention.

Tolls.

Levy of tolls.

141. The corporation may levy tolls as specified in *Part IV of* Schedule *IV* on any vehicle or animal entering the city:

Provided that *no* toll shall *be levied on* any vehicle or animal—

(*a*) licensed or registered by the corporation,

(*b*) *exempted by or under the Indian Tolls (Army) Act*, 1901,

(*c*) belonging to the Government,

(*d*) carrying any stores belonging to the Government,

(*e*) carrying any municipal or police officer on duty, or

(*f*) carrying any person or property in the custody of a police officer.

Construction of toll-bars and collection of tolls.

142. The *commissioner* may construct toll-bars and *toll*-stations and—

(*a*) may place the collection of the tolls under the management of such persons as he thinks fit, or

(*b*) may farm *them* out on such terms and conditions as he thinks fit, with liberty to the farmer to exercise all or any of the powers conferred by *or under* this Act for the levy and collection of tolls, and

(*c*) may, *with the sanction of the standing committee or in accordance with regulations framed by that body*, compound with any person living outside the city

for a certain sum to be paid yearly or half-yearly in lieu of all tolls payable under the provisions of this Act.

Procedure on non-payment of toll.

143. (1) If the toll leviable *on a vehicle or animal* is not paid on demand, the person appointed to collect *the toll* may seize and detain such portion of the appurtenances or load of *such* vehicle or animal as will, in his opinion, suffice to defray the amount due ; in the absence of any such appurtenances or load *or in the event of their value being insufficient to defray the amount due*, *he* may seize and detain the vehicle or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the *commissioner* or to such person as he may have authorized to receive and sell *such* property and the *commissioner* shall forthwith give public notice that after the expiry of two days, exclusive of Sunday, from the date of notice the property *will be sold in* auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the amount due on account of the toll, together with all expenses incidental to the seizure and detention, is tendered to the *commissioner* or other person authorized as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property *shall* be sold and the proceeds of *the* sale applied to the payment of—

(i) the amount due on account of the toll,

(ii) such penalty not exceeding the amount of the toll as the *commissioner* may direct, and

(iii) the charges incurred in connexion with the seizure, detention and sale.

(5) If there is a surplus after such payment, the *commissioner* shall, on demand made within six months from the date of sale, *make it over* to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

Attempts to evade payment of tolls.

144. *No person shall with intent to evade payment of toll cause a vehicle or animal—*

(a) to pass a toll-station in a rapid or surreptitious manner ;

(b) to pass a toll-station without stopping if he is required by the toll-keeper to stop ; or

(c) to leave a street on which a toll-station has been placed and pass over any adjacent land, not being either a public street or land of which such person is the owner or occupier.

Table of tolls.

145. At every toll-bar or *toll*-station a table of the tolls leviable shall be put up legibly written or painted in English and in the Tamil, Telugu and Hindustani languages in some conspicuous place near such toll-bar or *toll*-station.

The Terminal Tax.

Assessment and recovery of terminal tax on passengers carried by railway.

146. (1) *The terminal tax on railway passengers shall be levied on the tickets of all passengers travelling by rail from any place more than fifteen miles from the boundary of the city to any railway station in the city or from any such railway station to any such place.*

(2) *The rates at which the tax shall be levied on each class of ticket shall be determined by the council, provided always that they shall not exceed the maxima laid down in Part V of Schedule IV.*

(3) *The tax shall be collected as a surcharge on fares by the administration of the railway by which the passengers are carried.*

(4) *The Governor in Council may make rules not inconsistent with this Act regulating the collection of the tax, the payment thereof to the corporation and the deduction of any expenses incurred by railway administrations in the collection thereof.*

Duty on transfers of property.

Method of assessment of duty on transfers of property.

147. *The duty on transfers of property shall be levied in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, on instruments of sale, gift and usufructuary mortgage of immovable property situated within the limits of the City which may be executed after the commencement of the Act at a rate not exceeding two per centum on the value of the property so situated or in the case of an usufructuary mortgage on the amount secured by the instrument, as set forth in the instrument.*

Provisions applicable on the introduction of transfer duty.

148. (1) *On the introduction of the transfer duty,*

(a) Section 27 of the Indian Stamp Act, 1899, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the City.

(b) Section 64 of the Indian Stamp Act, 1899, shall be read as if it referred to the Corporation as well as the Government.

Power to make rules regarding assessment and collection of transfer duty.

149. *The Governor in Council may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.*

General.

Power to exempt from taxes, duties and tolls.

150. *With the sanction of the Governor in Council the council may exempt any person or class of persons wholly or in part from the payment of any tax, duty or toll.*

Power to write off irrecoverable taxes, duties and tolls.

151. *If in the opinion of the standing committee any tax, duty, or toll is irrecoverable, the committee may write off the same together with any sums payable in connexion therewith.*

Rules in Schedule IV.

152. *With regard to—*

(a) the assessment of the property tax;

(b) the specification of rates for the carriage and animal tax, for tolls and for the terminal tax and subsidiary instructions for the imposition thereof;

(c) the revision of assessment;

(d) the collection of taxes and tolls; and

(e) other miscellaneous matters connected with taxation under this Act;

the rules and tables embodied in Schedule IV shall be read as part of this chapter.

Chapter VI.—Finance

The Municipal Fund.

Definition of Municipal fund.

153. All moneys *received by* the corporation shall constitute a fund which shall be called the municipal fund and shall be *applied and disposed of subject to the provisions of this Act.*

Audit of accounts.

154. The *Governor in Council* shall appoint auditors of the accounts *of receipt and expenditure of the municipal fund. Such auditors shall be "public servants" within the meaning of section* 21 *of the Indian Penal Code.*

Financial rules.

155. *With regard to the deposit, investment and expenditure of the municipal fund and the audit of the municipal accounts the rules in schedule V shall be observed.*

Loans.

Power of corporation to borrow money.

156. (1) The *council* may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, *duties*, tolls, fees and dues authorized by this Act, any sums of money which may be required—

(a) for the construction of works under this Act,

(b) for the acquisition of land for the purposes of this Act, or

(c) to pay off any debt due to the Government, *or*

(d) to re-pay a loan previously raised under this Act or other Act previously in force:

Provided as follows:—

(i) *no loan shall be raised without the previous sanction of the Governor in Council or, if the loan exceeds Rs. 5,00,000 or is to be re-paid after a period exceeding thirty years, of the Governor-General in Council;*

(ii) *the rate of interest and the terms as to the time and method of re-payment and the like shall be subject to the approval of the Governor in Council or, if the loan exceeds Rs.* 5,00,000 *or is to be re-paid after a period exceeding thirty years, of the Governor-General in Council.*

(2) *When any sum of money has been borrowed under sub-section* (1),—

(a) no portion thereof shall without the previous sanction of the Governor in Council be applied to any purpose other than that for which it was borrowed, and

(b) no portion of any sum of money borrowed under sub-section (1), *clause* (a), *shall be applied to the payment of salaries*

or allowances to any municipal officers or servants other than those exclusively employed upon the works for the construction of which the money was borrowed.

Time for re-payment of money borrowed under section 156.

157. The time for the re-payment of any money borrowed under section 156 *shall in no case exceed sixty years*, and the time for the re-payment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the *Governor-General in Council*, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Limit of borrowing powers.

158. Notwithstanding anything hereinbefore contained, the borrowing powers of the corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter *provided*, and for interest and re-payment of any sums borrowed otherwise shall not, *except with the express sanction of the Governor-General in Council*, exceed *twelve and a half* per cent of the annual value of buildings and lands as determined under chapter *V*.

Form and effect of debentures.

159. All debentures issued under this chapter shall be in such form as the *council*, with the previous sanction of the *Governor General in Council*, may determine ; and shall be transferable in such manner as shall be therein expressed ; and th right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

Payment to survivors of joint payees.

160. *When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act*, 1872, *the debenture or security shall be payable to the survivors or survivor of such persons :*

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

Receipt by joint holder for interest or dividend.

161. *When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the corporation by any other of such persons.*

Maintenance and investment of sinking funds.

162. (1) The corporation shall maintain sinking funds for the re-payment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the re-payment within the period fixed for the loan of all moneys borrowed on debentures issued.

(2) All money paid into the sinking funds shall, as soon as possible, be invested under the orders of *the council*, in—

(*a*) securities of the Government of India, or

(*b*) securities guaranteed by the Government, or

(*c*) Madras municipal debentures ;

and shall be invested in the joint names of the Chief Secretary to the Government of Madras, and the Accountant-General of Madras, to be held by them as trustees for the purpose of re-paying at due date the debentures issued by the corporation.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner *laid down in* sub-section (2).

(4) When any part of a sinking fund is invested in Madras municipal debentures, or is applied in paying off any part of a loan before the period *fixed for re-payment*, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner *laid down in* sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

Application of sinking fund.

163. The aforesaid trustees may apply a sinking fund, or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created; and until such loan or part is wholly discharged shall not apply the same for any other purpose :

Provided that when any loans or parts thereof have been consolidated under section *165*, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

Annual statement by trustees.

164. (1) The aforesaid trustees shall, at the end of every year, submit to the corporation a statement showing—

(*a*) the amount which has been invested during the year under section *162*,

(*b*) the date of the last investment made previous to the submission of the statement,

(*c*) the aggregate amount of the securities then in their hands, and

(*d*) the aggregate amount which has up to the date of the statement been applied under section *163* in or towards discharging loans.

(2) Every such statement shall be laid before the *council* and published.

Power of corporation to consolidate loans.

165. (1) Notwithstanding anything to the contrary contained in this chapter, the corporation may consolidate all or any of their loans and for that purpose may invite tenders for a new loan (to be called the "municipal consolidated loan, 19 ") and invite the holders of municipal debentures to exchange their debentures for scrip of such loan.

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the *Governor-General in Council.*

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the *Governor-General in Council*, extend beyond the farthest date within which any of the loans to be consolidated would be otherwise re-payable.

(4) The corporation shall provide for the re-payment of any such consolidated loan by a sinking fund in the manner *laid down* in section *162*, having regard to the amount transferred to such sinking fund under *section 163.*

Priority of payments for interest and re-payment of loans over other payments.

166. All payments due from the corporation for interest on and re-payment of loans shall be made in priority to all other payments due from the corporation.

Attachment of municipal fund for recovery of money borrowed from Government.

167. (1) If any money borrowed by the corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not re-paid according to the conditions of the loan, the *Governor in Council* may attach the municipal fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the *Governor in Council* shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

Budget.

Estimates of expenditure and income to be prepared annually by the commissioner.

168. (1) The *commissioner* shall, on or before *each tenth day of November*, prepare and submit to the standing committee a budget containing a detailed estimate of income and of expenditure for the ensuing year, *and, if it is in his opinion necessary or expedient to vary taxation or to raise loans, shall submit his proposals in regard thereto.*

(2) The said estimate shall be accompanied by the proposals of the Director of Public Instruction and the Surgeon-General in respect of the expenditure required *respectively* for elementary education *or* for hospitals, dispensaries and medical education.

(3) *The commissioner shall sanction or submit for sanction* to the standing committee all estimates for new works and special repairs not less than six weeks before the meeting *of the council* to consider the budget.

Budget estimate to be prepared by the standing committee.

169. (1) *The standing committee shall, on or as soon as may be after the tenth day of November, consider the estimates and proposals of the commissioner and, after having obtained from the commissioner such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the corporation for the next year.*

(2) *In such budget estimate, the standing committee shall—*

(a) provide for the payment, as they fall due, of all instalments of principal and interest for which the corporation may be liable on account of loans;

(b) allow for a cash balance at the end of the year of not less than one lakh of rupees.

(3) *The commissioner shall cause the budget estimate, as finally approved by the standing committee, to be printed and shall, not later than the fifteenth day of December, forward a printed copy thereof to the usual or last-known local place of abode of each councillor.*

Consideration of budget estimate by the council.

170. *At a meeting of the council which shall be called for some day in January, not later than the tenth, the budget estimate prepared by the standing committee shall be laid before the council and they shall proceed to consider it.*

Procedure of council.

171. *The council may refer the budget estimate back to the standing committee for further consideration and re-submission within a specified time, or adopt the budget estimate or any revised budget estimate submitted to them, either as it stands, or subject to such alteration as they deem expedient: provided that the budget estimate finally adopted by the council shall make adequate and suitable provision for each of the matters referred to in clauses (a) and (b) of section 169, sub-section (2).*

Obligation to pass budget before the beginning of the year.

172. *The council shall finally pass the budget estimate before the beginning of the year to which it relates and forthwith submit a copy thereof to the Governor in Council.*

Council may pass supplemental budget.

173. The *council* may, on the recommendation of the standing committee, *from time to time during any year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirement arising during that year, but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees.*

Rule as to unexpended budget grants.

174. *If any portion of a budget grant remains unexpended at the close of the year in the budget estimate for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the municipal fund entered in the budget estimate of the next following year, nor in any intervening modification of the budget estimate, the standing committee may sanction the expenditure of such unexpended portion during the next following year for*

the completion, according to the original intention of sanction, of the purpose or object for which the budget grant was made, but not for any other purpose or object.

Reduction or transfer of budget grants.

175. (1) *The standing committee may, if it thinks necessary, at any time during the year—*

(a) reduce the amount of a budget grant; or

(b) transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant:

Provided that—

(i) *due regard shall be had when making any such reduction or transfer to all the requirements of this Act;*

(ii) *the aggregate sum of the budget grants contained in the budget estimate adopted by the council shall not be increased except by the council under section 173;*

(iii) *every such reduction or transfer shall be brought to the notice of the council at their next meeting.*

(2) *If any such reduction or transfer is of an amount exceeding Rs. 500, the council may pass with regard thereto such order as they think fit, and it shall be incumbent on the standing committee and the commissioner to give effect to the said order.*

Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.

176. (1) *If it shall at any time during any year appear to the council, upon the representation of the standing committee, that notwithstanding any reduction of budget grants that may have been made under section 175, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees, it shall be incumbent on the council either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than one lakh of rupees at the close of the year.*

(2) *Whenever the council determine to have recourse to supplementary taxation in any year, they shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied, subject to the conditions, limitations and restrictions laid down in chapter V.*

PART IV.

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER VII.—WATER-SUPPLY, LIGHTING AND DRAINAGE.

Public Water-supply.

Vesting of works in corporation.

177. All public reservoirs, tanks, *cisterns*, *fountains*, *wells*, *pumps*, pipes, *taps*, conduits, *aqueducts* and other works (not *vested in* the government) connected with the supply of water to the city whether made at the cost of the corporation or otherwise, and all bridges, buildings, engines, works, materials, and other things connected therewith and all land (not being private property or property *vested in* the government) adjacent and appertaining to the same, shall vest in the corporation.

Construction of water-works.

178. The *commissioner* may, with the consent of the *council*, and the sanction of the *Governor in Council*, construct, lay, *or erect* filtering tanks, reservoirs, engines, conduits, *pipes*, or other works without the limits of the city *for supplying it with water*, and may, *subject to any sanction that may be necessary under chapter IV of this Act*, provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limit for the use of the inhabitants.

Provision of gratuitous supply of drinking water.

179. (1) The Corporation shall provide a supply of wholesome drinking water within the city and shall erect sufficient stand-pipes, fountains, or other conveniences for the gratuitous supply of water.

(2) The Corporation shall, as far as possible, make adequate provision that such supply is continuous throughout the year, and that the water is at all times pure and fit for human consumption.

Trespass on water-supply premises.

180. It shall not be lawful for any person except with permission duly given and obtained to enter on land belonging to *or vested in* the Corporation along which a conduit or pipe runs or on any premises connected with the *water*-supply.

Private Water-supply.

Control over house-connections.

181. *All house-connections, whether within or without the premises to which they belong, with the corporation's water-supply mains shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense, if the corporation so require, of the owner of the premises to which they belong, or for the use of which they were constructed, and in conformity with by-laws and regulations framed by the council or the standing committee in this behalf.*

Private water-supply for domestic consumption and use and powers of commissioner to enforce provision of water-supply.

182. (1) The *commissioner* may on application by the owner or occupier of any building *at his discretion* arrange, *in accordance with the by-laws, to supply* water *thereto* for domestic *consumption and use*:

Provided that the commissioner shall not without the sanction of the standing committee agree to supply water to any building assessed at an annual value of less than one hundred and twenty rupees.

(2) *Whenever it appears to the commissioner that any masonry dwelling-house assessed at an annual value of not less than one hundred and twenty rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the commissioner may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the by-laws and regulations:*

Provided that no action shall be taken under this sub-section if the owner satisfies the commissioner that he is too poor to bear the cost of the said works.

(3) *It shall not be lawful for the owner of any masonry dwelling-house assessed at an annual value of not less than one hundred and twenty rupees which may be constructed or re-constructed after the commencement of this Act, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that there is provided within or within a reasonable distance of the house such a supply of wholesome water as appears to the commissioner to be sufficient for domestic consumption and use of the inmates of the house.*

(4) *The cost of making the connection and the cost or hire of meters shall be borne by the owner or applicant and shall be recoverable in the same manner as the water and drainage tax.*

(5) *For all water supplied under this section, in excess of a maximum determined by regulations of the standing committee, payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the water and drainage tax.*

Explanation.— Supply of water for domestic *consumption and use* shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation,

(*c*) for building purposes,

(*d*) for fountains, swimming baths, *public baths, tanks in or near temples and mosques within the limits of the city* or for any ornamental or mechanical purpose,

(*e*) for animals, or for washing vehicles, where such animals or vehicles are kept for sale or hire,

but shall be deemed to include a supply—

(*a*) *for flushing water-closets and latrines,*

(*b*) *for all baths other than swimming baths or public baths,*

(*c*) *for the consumption and use of inmates of hotels, boarding houses and residential clubs and for baths used by such inmates.*

Private Water-supply for non-domestic purposes.

Commissioner's power to supply water for non-domestic purposes at rates fixed by standing committee.

183. (1) The *commissioner* may at his discretion supply water for any purpose other than domestic *consumption and use* on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) For all water supplied under subsection (1) payment shall be made at such rates *and such conditions shall be imposed* as may be *laid down* by the standing committee *by general or special order.*

Supply in Special Cases.

Supply to local authorities.

184. *The corporation shall supply the Port Trust Board with water, and may supply any other local authority whether within or without the city on such terms as to payment (if any) and as to the period and conditions of supply as shall be determined by the council, subject to appeal in respect of such terms to the Governor-in Council, whose decision shall be final.*

Supply to public administrations.

185. *The corporation shall supply with water Fort St. George and public cemeteries, gardens or institutions within the city administered by the Governor in Council or the Governor-General in Council on such terms as to payment (if any) and as to the period and conditions of supply as shall be determined by the Governor in Council or the Governor-General in Council as the case may be, subject when the administration concerned is the Governor in Council, to appeal to the Governor-General in Council, whose decision shall be final, and subject when the administration concerned is the Governor-General in Council to appeal to His Majesty's Secretary of State for India, whose decision shall be final.*

Supply to persons without the city.

186. *The council may at their discretion supply water to a person without the city not being a public administration or local authority.*

Cutting off Water-supply.

Power to cut off water-supply.

187. (1) *The commissioner* may cut off the supply *of corporation* water *from any* premises—

(*a*) *if the premises are unoccupied;*

(*b*) *if any water-tax or any sum due for water or for the cost of making a connection or the cost or hire of a meter or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such tax or sum has been presented;*

(*c*) *if after receipt of a notice from the commissioner requiring him to refrain from so doing the owner or occupier continues to use the water or to permit it to be used in contravention of any by-law made under this Act;*

(*d*) *if the owner or occupier neglects within a period laid down in any notice issued by the commissioner under any by-law made under this Act to put up a meter or to comply with any other lawful order or requisition;*

(*e*) *if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying corporation water;*

(*f*) *if the occupier refuses to admit the commissioner into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or enquiry in connection with the water-supply, or prevents the commissioner doing such work, placing or removing such apparatus or making such examination or enquiry;*

(*g*) *if any pipes, taps, works or fittings connected with the corporation water-supply are found on examination by the commissioner to be out of repair to such an extent as to cause waste or contamination of water;*

(*h*) *if the owner or occupier causes pipes, taps, works or fittings connected with the corporation water-supply to be placed, removed, repaired or otherwise interfered with in violation of the by-laws.*

Provided that in cases under sub-clauses (*e*), (*f*), (*g*) *and* (*h*) *the commissioner shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises*

(2) *The expense of cutting off the supply shall be paid by the owner or occupier of the premises.*

(3) *In cases under clause* (*b*) *as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the commissioner shall cause water to be supplied as before on payment of the cost* (*if any*) *of re-connecting the premises with the corporation water-works.*

(4) *No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred*

Non-liability of corporation when supply reduced or not made in certain cases.

188. *The corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water (save in the case of express stipulation in an agreement for the supply of water for other than domestic purposes), in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.*

Lighting.

Provision for lighting public street, etc.

189. The *commissioner* shall—

(*a*) take measures for lighting in a suitable manner the public streets and public markets and all buildings vested in the corporation;

(*b*) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for such lighting; and

(*c*) cause such lamps to be lighted by means of electric, gas, oil, or such other light as the *council* may determine.

Public Drainage.

Vesting of drains in corporation.

190. All public drains, pipes and drainage works in, alongside or under the streets or any building existing at the

time of the coming into operation of this Act or afterwards made at the cost of the corporation or otherwise, and all works, materials and things appertaining thereto shall vest in the corporation.

Maintenance of system of drainage by the corporation.

191. The corporation shall, so far as the means at their disposal permit, provide and maintain a sufficient system of *public drains* throughout the city.

Private Drainage.

Control over house drains, privies and cess-pools.

192. All house-drains whether within or without the *premises* to which they belong, and all private latrines, and cess-pools within the city shall be under the control of the corporation, *but* shall be altered, repaired and kept in proper order, *unless the council direct otherwise in any case*, at the expense of the owner of *the premises* to which the same belong or for the use of which they were constructed *and in conformity with by-laws and regulations framed by the council and the standing committee in this behalf.*

Connexion of house-drains with public drains.

193. (1) *The commissioner shall, on application by the owner or occupier of any premises or the owner of a private street, arrange, in accordance with the by-laws, for the connexion of the applicant's drain with a public drain at the applicant's expense.*

(2) If any *premises are* at a distance not exceeding *one hundred feet* of a public drain *or its* place of outfall *from the nearest point on such premises, the commissioner* may by notice direct the owner of the said *premises* to construct a drain leading therefrom to such drain or place of outfall, *and to execute all such works as may be necessary in accordance with the by-laws and regulations at such owner's expense.*

(3) *If any premises are in the opinion of the commissioner without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or its place of outfall, the commissioner may by notice direct the owner of the said premises to construct a drain leading therefrom to a point specified in such notice not being more than one hundred feet from some part of the said premises or, at the commissioner's discretion, to construct a closed cess-pool of such material, dimensions and description, in such position and at such level as the commissioner thinks necessary and to construct a drain or drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the by-laws and regulations.*

(4) *It shall not be lawful for the owner of any building constructed or re-constructed after the commencement of this Act to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that the said building is provided with such means of drainage as appear to the commissioner to be sufficient.*

Commissioner's power to close or limit the use of existing private drains

194. (1) *Where a drain connecting any premises with a public drain or other place set apart by the corporation for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the commissioner, adapted to the general drainage system of the city, or of the part of the city in which such drain is situated, the commissioner, with the approval of the standing committee, may—*

(*a*) *subject to the provisions of sub-section* (2) *close, discontinue or destroy the said drain and do any work necessary for that purpose; or*

(*b*) *direct that such drain shall, from such date as he fixes in this behalf, be used for sullage and sewage only, or for water unpolluted with sewage only, and by notice require the owner of the premises to make, at his own expense, an entirely distinct drain for water unpolluted with sewage or for sullage and sewage.*

(2) *No drain may be closed, discontinued or destroyed by the commissioner under clause* (*a*) *except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the commissioner and of any work done under clause* (*a*) *shall be paid by the corporation.*

Commissioner's power to drain premises in combination.

195. (1) *When the commissioner is of opinion* that any group or block *of premises any part of which is situate within one hundred feet of a municipal drain, already existing or about to be constructed*, may be drained more economically or advantageously in combination than separately, the *commissioner* may, with the approval of the standing committee, cause such group or block of *premises* to be drained *by such method as appears to the commissioner to be best suited therefor* and the expenses incurred by the *commissioner in so doing* shall be paid by the owners in such proportions as the standing committee may *think fit.*

(2) Not less than fifteen days before any work under this section is commenced, the *commissioner* shall give written notice to the owners of—

(*a*) the nature *of the intended* work,

(*b*) the estimated expenses thereof,

and

(*c*) the proportion *of such expenses* payable by each owner.

(3) *The owners for the time being of the several premises constituting a group or block drained under sub-section* (1) *shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the commissioner under sub-section* (1), *be responsible for the expense of maintaining every such drain in good repair and efficient condition.*

Rights of owners and occupiers of premises to carry drains through land belonging to other persons.

196. (1) *If it shall appear to the commissioner that the most convenient means by which the owner of any premises can cause his drain to be connected with a public drain or other place set apart by the corporation for discharge of drainage is by carrying the same in, on, over, through, across or under any land belonging to some person other than the said owner of the premises to be drained, the commissioner, after giving the owner of the land notice to show cause to the contrary within a period of four weeks, may, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner of the premises to be drained to construct the required drain in, on, over, through, across or under the said land in such manner as the commissioner shall think fit to allow.*

(2) *Every such order bearing the signature of the commissioner shall be a complete authority to the person in whose favour it is made, and to his agents and employees to enter upon the said land after seven days' notice in writing to the owner and at any time between* 6 *A.M. and* 6 *P.M. and to execute the necessary work.*

(3) *Subject to all other provisions of this Act, the owner of any premises, or any agent or person employed by him for this purpose, may, after obtaining a written order from the commissioner and after giving to the owner of any land wherein a drain has been already lawfully constructed for the drainage of his said premises seven days' written notice of his intention so to do,*

enter upon the said land, at any time between 6 A.M. and 6 P.M. and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(4) *In executing any work under this section, as little damage as possible shall be done, and the owner of premises for the benefit of which the work is done shall—*

(a) cause the work to be executed with the least practicable delay;

(b) fill in, reinstate, and make good at his own cost and with the least practicable delay the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work;

(c) pay compensation to any person who sustains damage by the execution of the said work.

(5) *If the owner of any land, in, on, over, through, across or under which a drain has been constructed under sub-section (1) whilst such land was not built upon, shall, at any time afterwards, desire to erect a building on such land the commissioner shall by notice require the owner of the premises for the benefit of which such drain was constructed to close, remove or divert it in such manner as shall be approved by the commissioner, and to fill in and restore the land to its former condition as if the drain had not been constructed: provided that no such requisition shall be made unless in the opinion of the commissioner it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.*

Commissioner's power to authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

197. (1) *Where the commissioner is of opinion, whether on receipt of an application or otherwise, that the most convenient means by which the owner of any premises can cause the drain of such premises to empty into a public drain or other place set apart by the corporation for the discharge of drainage is through a drain communicating with such public drain or place aforesaid, but belonging to some person other than the said owner, the commissioner after giving the owner of the drain a notice to show cause to the contrary within a period of four weeks, may, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorize the said owner to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to*

connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleansing and emptying the joint drain, or otherwise, as may appear to him equitable.

(2) *Every such order bearing the signature of the commissioner shall be a complete authority to the person in whose favour it is made, and to his agent and employees to enter upon the land in which the said drain is situate at any time between 6 A.M. and 6 P.M. after giving the owner of the drain seven days' notice in writing of his intention to so enter and after giving or tendering to him the compensation or rent specified in the said order and otherwise fulfilling as far as possible the conditions of the order and shall also be a complete authority subject to all provisions of this Act, to do all such things as may be necessary for—*

(a) connecting the two drains; or

(b) renewing, repairing, or altering the connection; or

(c) discharging any responsibility attaching to the person in whose favour the commissioner's order is made for maintaining, repairing, flushing, cleansing, or emptying the joint drain or any part thereof.

(3) *In respect of the execution of any work under sub-section (2), the person in whose favour the commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 196.*

Building, etc., not to be erected without permission over drains.

198. (1) *Without the permission of the commissioner no person shall place or construct any fence, building, culvert, drain, drain-covering or other structure or any street, railway or cable over, under, in or across any public drain or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.*

(2) *The commissioner may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 406.*

Construction of culverts by owner or occupier.

199. (1) The *commissioner* may by notice *require* the owner or occupier of any building or land adjoining a public street to construct culverts *or drain-coverings* over the side channels or ditches at the entrances to the said building or land.

(2) Such culverts *or drain-coverings* shall be of the form and size and consist of such materials as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier.

Maintenance of troughs and pipes for catching water.

200. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the *commissioner*, put up, and thenceforward maintain, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging such water in such manner as the *commissioner* may *allow*.

Public Latrines.

Provision of public latrines.

201. The *commissioner* shall, as far as the means at his disposal permit, provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be daily cleansed and kept in proper order.

Licensing of public latrines.

202. (1) The *commissioner* may license for any period not exceeding one year, the provision and maintenance of latrines for public use.

(2) No person shall keep a public latrine without a licence under sub-section (1).

(3) Every licensee of a public latrine shall maintain it clean and in proper order.

Private Latrines.

Provision of latrines by owner or occupier.

203. The owner or occupier of every building shall, within fourteen days after receiving notice from the *commissioner*, provide a latrine or alter *or remove from an unsuitable to a more suitable place* any existing latrine in accordance with the direction contained in such notice, for the use of the persons employed in or about or occupying such building, and shall keep *it* clean and in proper *order*; and every owner or occupier of the ground on which any paracherry or block of huts stands shall provide such latrines as the *commissioner* may *by notice* require and *within such time as may be fixed in the notice* for the use of the inhabitants of such paracherry or block of huts.

Provision of latrines and urinals for labourers.

204. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number *as the commissioner* may

by notice require, and within such time as may be fixed in the notice and shall keep the same clean *and in proper order.*

Provision of latrines and urinals for markets, cart-stands, and cattle-stands.

205. Every owner or manager of a market, cart-stand, or cattle-stand shall, within fourteen days *after receiving* notice from the *commissioner*, provide and maintain for the separate use of persons of each sex latrines of such description and number and in such a position as the *commissioner* may require and shall keep the same clean *and in proper order.*

Latrines to be screened from view.

206. *All latrines shall be so constructed as to screen persons using the same* from the view of persons passing by or residing in the neighbourhood.

General Powers.

Power to carry wire, pipes, drains, etc., through private property subject to causing as little inconvenience as possible and paying for direct damage.

207. *The commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the city, and may place and maintain posts, poles, standards, brackets or other contrivances to support wires and lights on any pole or post in the city not owned by the Government of India and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same:*

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the *commissioner* shall, with the sanction of the standing committee, pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connection without permission.

208. (1) No person shall, without *the permission of the commissioner*, make any connection *with any municipal cable, wire, pipe, drain or channel or with the house-connection of any other person.*

(2) The *commissioner* may by notice require any connection made in contravention of sub-section (1) *to be demolished, removed, closed, altered or re-made.*

Power to require railway level, etc., to be raised or lowered.

209. If the corporation conduct any *pipe or* drain or other work connected with the *water-supply or* drainage of the city across a line of railway, *culvert, cable, or*

drain they may, with the sanction of the *Governor in Council* and at the cost of the municipal fund, require the owners of *the same* to raise or lower the level thereof.

Powers of corporation in respect of works outside the city.

210. (1) *The corporation shall not undertake new works beyond the limits of the city without the sanction of the Governor in Council.*

(2) *The corporation may, in the execution and for the purpose of any works* beyond the limits of the city *sanctioned* by the *Governor in Council whether before or after the passing of this Act*, exercise all the powers which they may exercise within the city throughout the line of country through which conduits, *channels, pipes, lines of posts and wires and the like run, and* over any lake or reservoir from which a supply of water for the use of the city is derived, and over all lands at a distance not exceeding one thousand yards beyond the high-water level of *any* such lake or reservoir, *and over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the city.*

(3) The magistrates *of the* district *in which such work lies* may exercise in respect of the work the same powers and jurisdiction *as the presidency magistrates* may under this Act exercise in respect of any work executed by *the corporation* within the city.

Chapter VIII.—Scavenging.

Provision of receptacles for rubbish and filth.

211. The *commissioner* shall provide or appoint, in proper and convenient situations, public receptacles, depôts and places for the temporary deposit or final disposal of rubbish, *filth and* carcasses of dead animals.

Public notice ordering deposit of rubbish and filth by occupier.

212. (1) The *commissioner* may by public notice direct that all rubbish *and filth* accumulating in any premises in any street or quarter of the city specified in the notice shall be collected by *the owner or* occupier of such premises, and deposited in a box or basket *or other receptacle*, of the kind specified in such notice, to be provided by such *owner or* occupier and kept at or near the premises.

(2) The *commissioner* may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in any street or quarter in respect of which no notice issued under sub-section (1) is for the time being in force,

and may by public notice direct that all rubbish *and filth* accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by *the owner or* occupier of such premises and deposited in such receptacle.

(3) The *commissioner* may by public notice direct that all rubbish *and filth* accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force shall be collected by the *owner or* occupier of such premises, and deposited in some portion *thereof or of* the street on which they abut.

(4) The hours during which rubbish *and filth* are to be deposited as aforesaid shall be specified in any notice issued under this section.

Removal of rubbish and filth accumulating in large quantities on premises.

213. When any premises are used for carrying on any manufacture, trade or business *or in any way so that* rubbish *or filth* is accumulated in quantities which are, in the opinion of the *commissioner*, too considerable to be deposited in any of the methods prescribed by a notice issued under *section 212*, the *commissioner* may

(*a*) by notice *require* the *owner or* occupier of such premises to collect all rubbish *and filth* accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a public receptacle, depôt or place provided or appointed under section *211*; or

(*b*) after giving such *owner or* occupier notice of his intention, cause all rubbish *and filth* accumulated in such premises to be removed, and charge the said *owner or* occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (*a*).

Contract with owner or occupier for removal of rubbish and filth

214. The *commissioner* may contract with the *owner or* occupier of any *premises* to remove rubbish *or filth from such premises* on such terms as to time and period of removal and other matters as may seem suitable to the *commissioner*, and on payment of fees at such rate as *the council* may *determine*.

Provision for daily cleansing of streets and removal of rubbish and filth.

215. The *commissioner* shall provide—

(*a*) for the daily surface-cleansing of all *public* streets and the removal of the sweepings therefrom, and

(*b*) for the removal of—

(i) the contents of all receptacles and depôts and the accumulations at all places provided or appointed by him under section *211* for the temporary deposit of any of the things specified therein; and

(ii) all things deposited by *owners or* occupiers of premises in pursuance of any notice issued under section *212*.

Rights of property of corporation in things deposited in receptacles.

216. All things deposited in receptacles, depôts or places provided or appointed under section *211* shall be the property of the corporation.

Directions as to removal of rubbish and filth.

217. In cases not provided for by any notice issued under section *213*, the *commissioner* shall, with the sanction of the standing committee, *lay down*—

(*a*) the hours within which *rubbish and filth* may be removed, and

(*b*) the kind of cart or other receptacle in which *rubbish and filth* may be removed, and

(*c*) the route by which such carts or other receptacles shall be taken.

Maintenance of establishment for removal of rubbish and filth.

218. The corporation shall maintain an establishment under the control of the *commissioner* for the removal of *rubbish and filth* from latrines which are not connected with a drain.

Prohibition against accumulation of rubbish or filth on premises.

219. (1) No person who is bound by any notice issued under section *212* or section *213*, as the case may be, to collect and deposit or remove rubbish *or filth* accumulating on *any* premises shall allow the same so to accumulate for more than twenty-four hours.

Prohibition against irregular methods of depositing rubbish or filth.

(2) No person shall deposit any rubbish *or filth* otherwise than as provided in a notice issued under section *212* or section *213*, as the case may be.

Prohibition against irregular removal of rubbish or filth.

(3) No person shall remove *rubbish or filth* otherwise than to a receptacle, depôt or place provided or appointed for the purpose under section *211*, or otherwise than as *laid down* under section *217*.

Prohibition against deposit of rubbish or filth in unauthorized place or manner.

(4) No person shall throw or place any rubbish *or filth*, as the case may be,

(*a*) in any place not provided or appointed for the purpose under section *211*, or

(*b*) in any way contrary to any direction given under section *212*.

Prohibition against keeping rubbish or filth for more than twenty-four hours, or in unauthorized place or manner.

(5) No owner or occupier of *any premises* shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a receptacle *approved by the commissioner*, any rubbish *or filth on such premises or any place belonging thereto* or neglect to employ proper means to remove the *rubbish or filth* from *or to* cleanse such receptacle and to dispose of such *rubbish or filth* in the manner directed by the *commissioner*, or fail to comply with any requisition of the *commissioner* as to the construction, repair, paving or cleansing of any latrine *on or belonging to the premises*.

Prohibition against allowing sewage to flow in streets.

(6) No owner or occupier shall allow the water of any sink, drain or *latrine* or the drainage from any stable or place, or any other *filth* belonging to him or being *on his premises or any place belonging thereto* to run down on, to, or be put upon, any street, or into any drain in or alongside of any street, except in such manner as shall prevent any avoidable nuisance from any such *filth* soaking into the walls or ground at the side of the said drain.

Chapter IX.—Streets.

Public Streets.

Vesting of public streets and their appurtenances in corporation.

220. All public streets in the city *not reserved under the control of* the Government, and the sidedrains, pavements, stones and other materials thereof, and all erections, materials, implements and other things provided for such streets, and all trees, not being private property, growing thereon or by the side thereof, shall vest in the corporation.

Maintenance and repair of streets.

221. The corporation shall, at the cost of the municipal fund, cause the public streets to be maintained and repaired and may from the same fund meet the cost of all improvements *thereto* which are necessary or expedient for the public safety or convenience.

Powers of authorities in regard to streets.

222. (1) *The commissioner may, subject always to such sanction as may be required under chapter IV,*

(*a*) lay out and make new streets;

(*b*) construct bridges and sub-ways;

(*c*) turn, divert, or with the *special* sanction of the *council and* the Governor in Council, permanently close any public street or part thereof;

(*d*) widen, open, *extend* or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are required for or affected by any such purposes.

Power to dispose of permanently closed streets.

223. (1) When any public street is permanently closed under section *222*, the corporation may *dispose of* the site or so much *thereof* as is no longer required, *in accordance with the orders of the Governor in Council*, making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

Acquisition of land and buildings for improvement of streets.

224. (1) The *commissioner* may, *subject always to such sanction as may be required under chapter IV*, acquire—

(*a*) any land required for the purpose of opening, widening, extending or otherwise improving any public street, or

of making any new public street, and the buildings, if any, standing upon such land;

(*b*) *with the special sanction of the council* any land outside the proposed street alignment, with the buildings, if any, standing thereupon, which the *council* may consider it expedient to acquire:

Provided that, in any case in which it is decided to acquire any land under clause (*b*) of this sub-section, the owner of such land may retain it by paying to the corporation an annual sum to be fixed by the standing committee in that behalf, or a lump sum to be fixed by the standing committee, not being less than twenty-five times such annual sum *and subject to such conditions as the standing committee think fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.*

(2) If any sum payable in pursuance of the proviso to sub-section (*1*) in respect of any land be not duly paid, *it* shall be recoverable in the manner provided by this Act for the collection of taxes, and, if not so recovered, the *commissioner* may enter upon the land, and sell *it*, with any erections standing thereon, by public auction, *subject to the conditions if any, imposed under section (1), above* and may deduct the said sum and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

(3) Any sum paid in pursuance of the proviso to sub-section (*1*) or recovered under sub-section (*2*) in respect of any land shall be left out of account in determining the annual value of such land for the purpose of assessing it to the *property tax.*

(4) Any land or building acquired under sub-section (*1*), *clause* (*b*) may be sold, leased or otherwise disposed of after public advertisement, and any conveyance made for that purpose may comprise such conditions as the *standing* committee think fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(5) The standing committee may require any person to whom any land or building is transferred under sub-section (*4*) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

Defining the regular line of a street.

522. (1) *The standing committee may*

(a) define *a line on each side of any public street;*

(b) *from time to time but subject in each case to its receiving the authority of the council in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded—*

(i) *unless, at least one month before the meeting of the council at which the matter is decided, public notice of the proposal has been given by the commissioner by advertisement in the local newspapers and in the Fort St. George Gazette, and special notice thereof, signed by the commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be defined; and*

(ii) *until the council have considered all objections to the said proposal made in writing and delivered at the office of the municipal secretary not less than three clear days before the day of such meeting.*

(2) *The lines for the time being defined shall be called "the regular lines of the street".*

Buildings not to be constructed within regular lines without permission.

226. *No person shall construct any portion of any building within the regular lines defined under section 225 except with the permission of the commissioner who shall in every case in which he gives such permission report his reasons in writing to the standing committee.*

Setting back projecting buildings or walls.

227. (1) When any building or part thereof *abutting on a public street is within the regular lines of such street, the commissioner may, whenever it is proposed—*

(a) *to re-build such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or*

(b) *to remove, re-construct or make any addition to any portion of such building which is within the regular lines of the street;*

in any order which he issues concerning the re-building, alteration or repair of such building, require such building to be set back to the regular line of the street.

(2) *When any building or any part thereof within the regular lines of a public street falls down or is burnt down or is, whether by order of the commissioner or otherwise, taken down, the commissioner may forthwith take possession on behalf of the corporation of the portion of land within the regular lines of the street theretofore occupied by the said building and, if necessary, clear it.*

(3) *Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.*

(4) When any building is set back in pursuance of any requisition made under sub-section (1), *or when the Commissioner takes possession of any land under sub-section* (2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.—The expression "direct damage" as used in sub-section (4) with reference to land, means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due *to the prospective loss of* any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

Setting buildings forward to improve line of street.

228. The *commissioner* may, upon such terms as *he* thinks fit, allow any building to be set forward for the purpose of improving the line of a public street *and may, with the sanction of the standing committee, by notice require any building to be so set forward in the case of re-construction thereof or of a new construction.*

Projected streets.

229. (1) The standing committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall not be less than forty feet, or in any area covered by huts, twenty feet:

Provided that this sub-section shall not apply in any case in which the street alignment runs along an existing street, and the standing committee considers it impracticable to widen the street to the extent of forty feet or twenty feet, as the case may be.

(3) It shall be the duty of the standing committee to lay out public streets in areas covered by huts, so far as may be practicable, both for the purpose of securing proper ventilation for huts in such areas, and in view to the contingency of masonry buildings being erected therein.

(4) When any plan has been prepared under sub-section (1), the street to which it refers shall be deemed to be a projected public street, and the provisions of section 227 shall apply to all buildings, so

far as they stand across the street alignment or building line of the projected street.

Watering of streets.

230. The *commissioner* shall, so far as he considers it requisite for the public convenience, cause the chief public streets to be watered, and for that purpose may provide such water-carts, animals and apparatus as he thinks necessary.

Temporary closure of streets.

231. The *commissioner* may by an order temporarily close any street *to traffic* for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes specified in schedule V:

Provided that such work shall be completed and such street re-opened *to* traffic with all reasonable speed.

Protection of appurtenances and materials of streets.

232. It shall not be lawful for any person, without the permission of the *commissioner*, to displace, take up or make any alteration in the fences, posts, pavement flags or other materials of any public street.

Private Streets.

Making of new private streets.

233. (1) Any person intending to make or lay out a new private street must send to the *commissioner* a written *application* with plans and sections showing the following particulars, namely—

(*a*) the intended level, *direction* and width of the street,

(*b*) the street alignment and the building line, and

(*c*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, *conserving* and lighting the street.

(2) The provisions of this Act and of any rules or by-laws made *under it* as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the standing committee.

(3) Within sixty days after the receipt of any *application under sub-section (1)* the standing committee shall either sanction the making of the street *on such conditions as it may think* fit or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made or which are in the opinion of

the standing committee likely to be made, for carrying out any general scheme of street improvement,

(ii) if the proposed street does not conform to the provisions of the Act, *rules and by-laws* referred to in sub-section (2) or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) *No person shall make or lay out any new private street without or otherwise than in conformity with the orders of the standing committee.* If further information is asked for no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information.

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the standing committee has received all the information which it considers necessary to enable it to deal finally with the said application. Any application not disallowed within a period of one hundred and twenty days from the date of receipt by the commissioner shall be deemed to have been sanctioned.

Alteration or demolition of street made in breach of section 233.

234. (1) If any person makes or lays out any street referred to in section *233*, without *or otherwise than in conformity with the orders of the standing committee*, the *commissioner* may, whether or not the offender be prosecuted under this Act, by notice—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the commissioner on or before such days as may be specified in the notice, why such street should not be altered to the satisfaction of the *commissioner*, or if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before the *commissioner* either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(*2*) *If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the commissioner why such street should not be so altered or demolished, the commissioner may pass an order directing the alteration or demolition of such street.*

Power of commissioner to order work to be carried out or to carry it out himself in default.

235. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, drained, *conserved, or* lighted to the satisfaction of the *commissioner*, he may by notice require the owners or occupiers of buildings or lands fronting or abutting on such street or part thereof, to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the *commissioner* may, if he thinks fit, execute *it* and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respective buildings or lands and in such proportion as may be settled by the *commissioner*.

Right of owners to require streets to be declared public.

236. If any street has been levelled, paved, metalled, flagged, channelled, drained, *conserved* and lighted under the provisions *of* section *235*, such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street.

Encroachments on streets.

Prohibition against obstructions in streets.

237. No one shall build any wall or erect any fence or other obstruction, encroachment *or projection* in *or over* any street except as hereinafter provided.

Prohibition and regulation of doors, ground-floor windows and bars opening outwards.

238. (1) *No door, gate, bar, or ground-floor window shall without a licence from the commissioner be hung or placed so as to open outwards upon any street.*

(2) *The commissioner may by notice require the owner of such door, gate, bar, or window to alter it so that no part thereof when open shall project over the street.*

Removal of encroachments.

239. (1) The *commissioner* may *by notice require* the owner or occupier of any *premises* to remove or alter any projection, encroachment or obstruction (*other than a door, gate, bar, or ground-floor window*) *situated* against or in front of such *premises and* in *or over* any street.

(2) If the owner or occupier of the *premises* proves that any such projection, encroachment or obstruction *has existed for a period sufficient under the law of limitation to give him a prescriptive title* or that it was erected with the consent of any municipal authority duly empowered in that behalf, *and that the period, if any, for which the consent is valid, has not expired*, the corporation shall make

reasonable compensation to every person who suffers damage by the removal or alteration of the same.

Power to allow certain projections and erections.

240. (1) The *commissioner* may grant *a licence subject to such conditions and restrictions as he may think fit*—

(*a*) to the owner or occupier of any building or land in a street, to put up verandahs, balconies, sunshades, weather-frames and the like, to project over the *street, or in streets in which the construction of arcades has been sanctioned by the council, to put up an arcade:* or to construct any step or drain-covering necessary for access to the building or land; *or*

(*b*) with the concurrence of the commissioner of police, for any temporary *construction* in a street on occasions of festivals and ceremonies.

Provided that *a licence under this section* shall in no case be granted if the projection, or erection, as the case may be, is likely to cause public inconvenience.

(2) *On expiry of any period for which a licence has been granted under this section, the commissioner may without notice cause any construction put up under clause* (*a*) *or* (*b*) *of sub-section* (1) *to be removed and the cost of so doing shall be recoverable from the person to whom the licence was granted in the manner provided in section 406. The commissioner may also sell the materials of such construction and shall in that case apply the proceeds in or towards payment of the expenses incurred and restore any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no demand is made such surplus shall be forfeited to the corporation.*

Precautions during repair of streets.

241. (1) The *commissioner* shall *so far as is practicable* during the construction or repair of any street, drain or premises vested in the corporation,

(*a*) cause the same to be fenced and guarded,

(*b*) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(*c*) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The *commissioner* shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The *commissioner* shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street or premises, and carry away the rubbish occasioned thereby.

Prohibition against removal of bars and lights.

242. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under section *241*.

Making holes and causing obstruction.

243. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the *commissioner* and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

(3) *If any obstruction is caused in any street by the fall of structures, trees, or fences, the owner or occupier of the premises concerned shall within twelve hours of the occurrence of such fall, or within such further period as the commissioner may by notice allow, clear the street of such obstruction.*

Licence for work on buildings likely to cause obstruction.

244. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the *commissioner* in that behalf and shall also--

(*a*) cause the said building to be fenced and guarded,

(*b*) sufficiently light *it* during the night, and

(*c*) take proper precautions against accidents,

during such time as the public safety or convenience requires.

Naming streets and Numbering buildings.

Naming of public streets.

245. (1) *The council shall give names to new public streets and may alter the name of any public street.*

(2) The *commissioner* shall cause to be put up or painted in English and in at least one vernacular language on a conspicuous part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name by which *it* is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name or put up any name different from that put up by order of the *commissioner*.

Numbering of buildings.

246. (1) The *commissioner* may cause a number to be affixed to the side or outer door of any building, or to some place at the entrance of the enclosure thereof.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under subsection (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the *commissioner* may by notice require him to replace *it*.

Chapter X.—Building Regulations.

General Powers.

247. (1) *The Governor in Council may make rules—*

(a) for the regulation or restriction of the use of sites for building, and

(b) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by subsection (1), *clause* (*a*), *rules made under that clause may provide—*

(a) that no insanitary or dangerous site shall be used for building, and

(b) that no site shall be used for the construction of a building intended for public worship if the construction of the building thereon will wound the religious feelings of any class of persons.

(3) Without prejudice to the generality of the power conferred by subsection (1), *clause* (*b*), *rules made under that clause may provide for the following matters :—*

(a) information and plans to be submitted together with applications for permission to build ;

(b) height of buildings, whether absolute or relative to the width of streets ;

(c) level and width of foundation, level of lowest floor and stability of structure ;

(d) number and height of stories composing a building and height of rooms ;

(e) provision of sufficient open space external or internal, and adequate means of ventilation ;

(f) provision of means of egress in case of fire ;

(g) provision of secondary means of access for the removal of house refuse ;

(h) materials and methods of construction of external and party walls, roofs and floors ;

(i) position, materials and methods of construction of hearths, smoke-escapes, chimneys, staircases, latrines, drains, cess-pools ;

(j) paving of yards ;

(k) restrictions on the use of inflammable materials in building ; and

(l) in the case of wells, the dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

(4) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this part and of any rules or by-laws made under this Act relating to the use of building-sites or the construction or re-construction of buildings.

Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities.

248. (1) The Council may, give public notice of their intention to declare—

(*a*) that, in any streets or portions of streets specified in the notice,

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all masonry buildings thereafter constructed or re-constructed shall, in respect of their architectural features, be such as the standing committee may consider suitable to the locality, or

(*b*) that in any localities specified in the notice, the construction of only detached buildings will be allowed, or

(*c*) that in any streets, portions of streets or localities specified in the notice, the construction of shops, ware-houses, *factories*, huts, *or buildings of a specified architectural character or buildings destined for particular uses* will not be allowed without the special permission of the standing committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The standing committee shall consider all objections received within the said period and *may then confirm the declaration, and, before doing so, may modify it, but not so as to extend its effect.*

(4) *The commissioner shall publish any declaration so confirmed and* it shall take effect from the date of publication.

(5) No person shall, *after the date of publication of such declaration,* construct or re-construct any building in contravention of any such declaration.

Buildings at corner o streets.

249. (1) *The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as they may determine, and may acquire such portion of the site at the corner as they may consider necessary for public convenience or amenity.*

(2) *For any land so acquired the corporation shall pay compensation.*

(3) *In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.*

Prohibition against use of inflammable materials for buildings without permission.

250. No external roof, verandah, pandal or wall of a building shall be constructed or re-constructed of grass, leaves, mats, or other inflammable materials except with the permission of the *commissioner*.

Prohibition against constructing doors, ground-floor windows and bars so as to open outwards.

251. No door, gate, bar or ground-floor window which opens on any public street shall be *constructed or re-constructed* so as to open outwards *except with the commissioner's licence under section 238.*

Masonry buildings.

Application to construct or re-construct masonry building.

252. (1) If any person intends to construct or re-construct a masonry building, he shall send to the *commissioner*—

(*a*) an application in writing for approval of the site, together with a site-plan of the land, and

(*b*) an application in writing for permission to execute the work together with a *ground* plan, elevations *and* sections *of the building* and *a* specification of the work.

(2) Every document furnished under sub section (1) shall contain the particulars and be prepared in *such manner as may be required under rules or by-laws.*

Necessity for prior approval of the site.

253. The *commissioner* shall not grant permission to construct or re-construct a masonry building unless and until he has approved of the site on an application made under section *252*.

Prohibition against commencement of work without permission.

254. The construction or re-construction of a masonry building shall not be begun unless and until the *commissioner* has granted permission for the execution of the work.

Period within which commissioner is to signify approval or disapproval.

255. Within thirty days after the receipt of any application made under section *252* for approval of a site, or of any information or further information required under *rules or by-laws* or within fifteen days after the *commissioner* has been satisfied that there are no objections which may lawfully be taken to the approval of the site, the *commissioner* shall, by written order, either approve the site or refuse on one or more of the grounds mentioned in section *258* to approve the site :

Provided that *the passing* of such order shall not in any case be delayed for more than thirty days after the *commissioner* has received all the information which he considers necessary to enable him to deal finally with the application.

Period within which commissioner is to grant or refuse to grant permission to execute work.

256. Within thirty days after the receipt of any application made under section *252* for permission to execute any work or of any information or of documents or further information or documents required under *rules or by-laws* or within fifteen days after the *commissioner* has been satisfied that there are no objections which may lawfully be taken to the grant of permission to execute the work, the *commissioner* shall, by written order, either grant *such* permission or refuse on one or more of the grounds mentioned in section *258* or section *259* to grant *it* :

Provided that the said period of thirty days shall not, in any of the cases mentioned in this section, begin to run until the site has been approved under section *255* :

Provided also that the making of such order shall not in any case be delayed for more than thirty days after the *commissioner* has received all the information which he considers necessary to enable him to deal finally with the application.

Reference to standing committee if commissioner delays grant or refusal of approval or permission.

257. (1) If, within the period *laid down* in section *255* or section *256*, as the case may be, the *commissioner* has neither given nor refused his approval of a building-site, or his permission to execute any work, as the case may be, the standing committee shall be bound, on the written request of the applicant, to determine by written order, immediately on the expiration of such period, whether such approval or permission should be given or not.

(2) If the standing committee do not, within fifteen days from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given ; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made *under this Act.*

Grounds on which approval of site for, or license to construct or re-construct masonry building, may be refused.

258. The only grounds on which approval of a site for the construction or re-construction of a masonry building or permission to construct or re-construct a masonry building, may be refused, are the following, namely—

(1) that the work *or the use of the site for the work* or any of the particulars comprised in the site-plan, *ground-plan*, elevations, sections, or specification would contravene some specified provision of *any law* or some specified order, rule, or by-law made *under any law* ;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner *required under rules or by-laws*;

(3) that any of the documents referred to in section *252* have not been signed as *required under rules or by-laws*;

(4) that any information or documents required by the *commissioner* under the *rules or by-laws* has or have not been duly furnished.

Whenever the *commissioner* or the standing committee refuses to approve a building-site for a masonry building, or to grant permission to construct or re-construct a masonry building, the reasons for such refusal shall be specifically stated in the order.

Special powers for suspending or granting permission to construct masonry buildings.

259. Notwithstanding anything contained in section 258—

(*a*) if any street shown in the site-plan is an intended private street, the *commissioner* may at his discretion refuse to grant permission to construct a masonry building, or to convert one or more huts or temporary structures into a masonry building until the street is commenced or completed, and

(*b*) the *commissioner* may for special reasons grant permission to construct a masonry building, or to convert one or more temporary structures into a masonry building, on any site without reference to its position in relation to any street.

Lapse of permission if not acted upon within one year.

260. If the construction or re-construction of any masonry building is not commenced within one year after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

Inspection by commissioner.

261. The *commissioner* may inspect any masonry building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section *118*.

Power of commissioner to require alteration of work.

262. (1) If the *commissioner* finds that the work—

(*a*) is otherwise than in accordance with the plans which have been approved, or

(*b*) contravenes any of the provisions of this Act or any by-law, rule, order or *declaration* made *under this Act*,

he may by notice require the owner of the building within a period stated either—

(i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans or provisions, or

(ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid the *commissioner* shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modifications as he may think fit.

Stoppage of work endangering human life.

263. Notwithstanding anything contained in any of the preceding sections, the commissioner may at any time stop the construction or re-construction of any masonry building if in his opinion the work in progress endangers human life.

Wells.

Application of certain sections to wells.

264. The provisions of section *252*, section *253*, section *254*, section *260*, section *261*, section *262* and section *263* shall, *so far as may be*, be held to apply to a well.

Huts.

Application to construct or re-construct huts.

265. (1) Every person who intends to construct or re-construct a hut shall send to the commissioner—

(*a*) an application for permission to execute the work, and

(*b*) a site-plan of the land.

(2) Every such application and plan shall contain the particulars and be prepared in the manner *required under rules or by-laws*.

Prohibition against commencement of work without permission.

266. The construction or re-construction of a hut shall not be commenced unless and until the *commissioner* has granted permission for the execution of the work on an application sent to him under section *265*.

Period within which commissioner is to grant or refuse to grant permission to execute the work.

267. Within fourteen days after the receipt of any application made under section *265* for permission to construct or re-construct a hut, or of any information or plan or further information or fresh plan required under *rules or by-laws*, or within fourteen days after the *commissioner* has been satisfied that there are no objections which may lawfully be taken to the execution of the work, the *commissioner* shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section *258* to grant it:

Provided that the making of such order shall not in any case be delayed for more than fourteen days after the *commissioner*

has received all the information which he considers necessary to enable him to deal finally with the application.

Reference to standing committee if commissioner delays grant or refusal of permission.

268. (1) If within the period *laid down in* section *267*, the *commissioner* has neither granted nor refused to grant permission to construct or re-construct a hut, the standing committee shall be bound on the written request of the applicant, to determine by written order immediately on the expiration of such period, whether such permission should be granted or not.

(2) If the standing committee do not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or by-laws made *under this Act*.

Grounds on which permission to construct or re-construct hut may be refused.

269. The only grounds on which permission to construct or re-construct a hut may be refused are the following, namely:—

(1) that the work *or the use of the site for the work* would contravene some specified provision of *any law* or some specified order, rule, by-law *or declaration* made *under any law*;

(2) that the application for permission does not contain the particulars or is not prepared in the manner *required under rules or by-laws*;

(3) that any information or plan required by the *commissioner* under *rules or by-laws* has not been duly furnished.

Whenever the commissioner of standing committee refuses to grant permission to construct or reconstruct a hut, the reasons for such refusal shall be specifically stated in the order.

Lapse of permission if not acted upon within six months.

270. If the construction or re-construction of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

External walls, alterations and additions.

Maintenance of external walls in repair.

271. The owner or occupier of any *building* adjoining a public street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the *commissioner*.

Application of provisions to alterations and additions.

272. (1) The provisions of this chapter and of any rules or by-laws made under this Act relating to construction and re-construction of buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that works of necessary repair which do not affect the position or dimensions of a building *or any room therein* shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building *or room* such question shall be referred to the standing committee, whose decision shall be final.

Powers of commissioner.

Demolition or alteration of building or well work unlawfully commenced, carried on or completed.

273. (1) If the *commissioner* is satisfied—

(i) that the construction or re-construction of any building *or well*—

(*a*) has been commenced without obtaining the permission of the *commissioner* or (where an appeal or reference has been made to the standing committee) in contravention of any order passed by the standing committee, or

(*b*) is being carried on, or has been completed otherwise than in accordance with the *plans or* particulars on which such permission or order was based, or

(*c*) is being carried on or has been completed in breach of any of the provisions of this Act or of any rule or by-law made *under this Act* or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

(ii) that any alterations required by any notice issued under section *262* have not been duly made, or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose in, to, or upon any building, has been commenced or is being carried on or has been completed in breach of section *272*,

he may make a provisional order requiring the owner *or the builder* to demolish the work done, or so much of it as, in the opinion of the *commissioner*, has been unlawfully executed, or to make such alterations as may, in the opinion of the *commissioner*, be necessary to bring the work into conformity with the Act, by-laws, rules, direction or requisition as aforesaid, or with the plans or particulars on which such permission or order was based, *and may also direct that until*

the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The *commissioner* shall serve a copy of the provisional order made under sub-section (1) on the owner of the building *or well* together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the *commissioner*, the *commissioner* may confirm the order, *with any modification he may think fit to make.*

Exemptions

Exemptions.

274. Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, summer-house (not being a dwelling-house), poultry-house or aviary, shall be exempted from the provisions of this chapter other than sections *250* and *251*, provided the building be wholly detached from, and situated at a distance of at least ten feet from the nearest adjacent building.

Chapter XI.—Nuisances.

Dangerous structures, trees and places.

Precautions in case of dangerous structures.

275. (1) *If any structure be deemed by the commissioner to be in a ruinous state and dangerous to passers-by or to the occupiers of neighbouring structures the commissioner may by notice require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.*

(2) *If immediate action is necessary the commissioner shall himself before giving such notice or before the period of such notice expires fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 406.*

(3) *If in the commissioner's opinion the said structure is imminently dangerous to the inmates thereof, the commissioner shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.*

Precautions in case of dangerous trees.

276. (1) *If any tree or any branch of a tree or the fruit of any tree be deemed by the commissioner to be likely to fall and thereby to endanger any person or any structure the commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom*

(2) *If immediate action is necessary the commissioner shall himself before giving such notice or before the period of such notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such other temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 406.*

Precautions in case of dangerous tanks, wells, holes, etc.

277. (1) If any tank, pond, well, hole, *stream, dam, bank*, or other place *be deemed by the commissioner to be* for want of sufficient repair, protection or enclosure dangerous to the *passers-by*, or to persons living in the neighbourhood, the *commissioner* may by notice require the owner to fill in, *remove*, repair, protect or enclose *the same so as to prevent any danger therefrom.*

(2) *If immediate action is necessary he shall before giving such notice or before the period of notice expires himself take such temporary measures as he thinks fit*

to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 406.

Precautions against fire.

278. (1) *The commissioner may by notice require the owner of any structure, booth or tent partly or entirely composed of, or having any external roof, verandah, pandal or wall partly or entirely composed of, cloth, grass, leaves, mats or other highly inflammable materials to remove or alter such tent, booth, structure, roof, verandah, pandal or wall, or may grant him permission to retain the same on such conditions as the commissioner may think necessary to prevent danger from fire.*

(2) *The commissioner may by notice require any person using* any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against *danger from* fire.

(3) *Where the commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the sanction of the standing commmittee, by notice require the owner or occupier of the building to alter or re-construct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any building, booth or tent is used for purposes of public entertainment he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits, and that the gangways, passages and staircases leading to the exits shall during the presence of the public be kept clear of obstructions.*

Control over waters, etc.

Prohibition of construction of wells, tanks, etc., without the commissioners' permission.

279. (1) *No new well, tank, pond, cistern, fountain, or the like shall be dug or constructed without the permission of the commissioner.*

(2) *The commissioner may grant permission, with or without conditions, or may, for reasons to be recorded by him, refuse it.*

(3) *If any such work is begun or completed without such permission, the commissioner may either—*

(a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the commissioner shall direct or

(b) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

Power to stop dangerous quarrying.

280. *If in the opinion of the commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the commissioner may, with the approval of the standing committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.*

Power to order filling in of pools, etc., which are a nuisance and regulation of agriculture within city.

281. (1) *If in the opinion of the commissioner*

(a) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, watercourse, or any collection of water, or

(b) any land on which water may at any time accumulate

is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance, the commissioner may, by notice require the owner thereof to fill up, cover over, weed and stock with larvicidal fish, petrolize, drain or drain off the same in such manner and with such materials as the commissioner shall direct, or to take such order with the same for removing or abating the nuisance as the commissioner shall direct.

(2) *If an owner on whom a requisition is made under sub-section* (1) *to fill up, cover over, or drain off a well, delivers to the commissioner, within the time fixed for compliance therewith, written objections to such requisition, the commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 411 for failure to comply with such requisition except with the approval of the standing committee, but the commissioner may, nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 397 and pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes and in every such case the commissioner shall determine with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by*

such owner or by the commissioner out of the municipal fund or shall be shared and, if so, in what proportions.

(3) *On the report of the health officer, that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the city is injurious to the public health, the council may, with the previous sanction of the Governor in Council, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:*

Provided that when such cultivation, use of manure, or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

Power to order cleansing of insanitary private tank or well used for drinking.

282. (1) If any private tank, well or other place, the water of which is used for drinking, is not maintained in a sanitary condition, the *commissioner* may by notice require the owner or person having control thereof to cleanse the same in such manner as *the commissioner may direct* and may also require the said owner or person to protect the same from pollution in such manner as may be provided in the notice.

(2) If the water of any private tank, well, or other place which is used for drinking, is proved to the satisfaction of the *commissioner* to be unfit for that purpose, the *commissioner* may by notice require the owner or person having control thereof to—

(*a*) refrain from using or permitting the use of such water, or

(*b*) close *or fill up* such place or enclose *it with a substantial wall or fence.*

Duty of commissioner in respect of public well or receptacle of stagnant water.

283. If it appears to the *commissioner* that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained, or filled up.

Prohibition against or regulation of washing animals or clothes or fishing in river or estuary.

284. The *commissioner* may *regulate or* prohibit *the washing of animals, clothes or other things or* fishing in any river or estuary within the city *in the interests of the public health.*

Prohibition against contaminating water-supply.

285. It shall not be lawful for any person to—

(*a*) bathe in any tank, reservoir, conduit, *fountain, well* or other place set apart by the corporation, *or* by the owner thereof, for drinking purposes;

(*b*) wash or cause any animal or *thing* to be washed in any such place;

(*c*) throw, put or cause any animal, or thing to enter into the water in any such place; or

(*d*) cause or suffer to drain into or upon any such place, or cause or suffer anything to be brought thereinto or do anything, whereby the water may be fouled or corrupted.

Control over abandoned lands, untrimmed hedges, etc.

Untenanted buildings or lands.

286. If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or in the opinion of the *commissioner* becomes a nuisance, the *commissioner* may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

Removal of filth or noxious vegetation.

287. The *commissioner* may by notice require the owner or occupier of any building or land which is in a filthy or unwholesome state, or overgrown with prickly-pear or other noxious vegetation to cleanse, clear or otherwise put the same in proper state within twenty-four hours or such longer period *and in such manner* as may be specified in the notice.

Fencing of buildings or lands and pruning of hedges and trees.

288. The *commissioner* may by notice require the owner or occupier of any building or land *near a public street* to—

(*a*) fence the same to the satisfaction of the *commissioner; or*

(*b*) trim or prune any hedges bordering on the *said* street so that they may not exceed such height from the level of the adjoining roadway as the *commissioner* may determine; *or*

(*c*) cut and trim any *hedges or* trees overhanging the *said* street and obstructing *it or the view of traffic* or causing *it* damage; *or*

(*d*) *lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.*

Control over insanitary buildings.

Lime-washing and cleansing of buildings.

289. The *commissioner* if it appears to him necessary for sanitary purposes so to do may by notice *require the owner or* occupier of any building to lime-wash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

Further powers with reference to insanitary buildings.

290. (1) Whenever the *commissioner* considers—

(*a*) that any building *or portion thereof* is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with *danger* of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(*b*) that *a* block *or group* of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may *by* notice *require* the owners or occupiers *of such buildings or portions of buildings* or at his option, the owners of the land occupied by such buildings, or *portions of buildings*, to execute such works or to take such measures as he may deem necessary for the prevention of such *danger*.

(2) *No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which cases the corporation shall make reasonable compensation to the owner thereof.*

(3) *When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in proporiion to the increased value acquired by their own property to the full amount of such increased value.*

(4) *When any building is so far demolished under this section as to require reconstruction, allowance shall be made, in determining the compensation, for the benefit accruing to the premises from the improvement thereof.*

Buildings unfit for human habitation.

291. (1) If any building, *or portion thereof*, intended for or used as a dwelling-place appears to the *commissioner* to be unfit for human habitation, he may apply to *the standing committee* to prohibit the further use of such *structure* for such purpose ; *and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.*

(2) When any such *prohibitory order* has been made, *the commissioner shall communicate the purport thereof to the owner and occupiers of the structure and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice*, no owner or occupier shall use or suffer *it* to be used for human habitation until the *commissioner* certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or *the standing committee* withdraw the prohibition.

(3) *When such prohibitory order has remained in operation for three months the commissioner shall report the case to the standing committee which shall thereupon consider whether the structure should not be demolished. The standing committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.*

(4) *If upon such consideration the standing committee is of opinion that the structure has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood it shall record a decision to that effect, with the grounds of the decision, and the commissioner shall in pursuance of the said decision by notice require the owner to demolish the structure.*

(5) *If the owner undertakes to execute forthwith the works necessary to render the structure fit for human habitation and the commissioner considers that it can be so made fit, the commissioner may postpone the execution of the decision of the standing committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.*

Abatement of overcrowding in dwelling-house or dwelling-place.

292. (1) If it appears to the *commissioner* that any dwelling-house or *other* building which is used as a dwelling-place, or any room in any such *dwelling-house or* building, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate to abate such overcrowding ; and the magistrate after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be laid down in the said order, to abate

such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The standing committee may, by written order, declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of a building or room, to vacate on being required by the owner so to do in pursuance of any requisition made under sub-section (1).

General.

Power of commissioner to use or sell materials of dangerous structure taken down, etc.

293. (1) *When the commissioner takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter or under section* 397, *the commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and restore any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the corporation.*

(2) *If after reasonable enquiry it appears to the commissioner that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property* (*not being land*), *or of any portion thereof.*

Limitation of compensation.

294. *No person shall be entitled save as provided in sections 281 and 290 to compensation for any damages sustained by reason of any action taken by the municipal authorities in pursuance of their powers under this chapter.*

Chapter XII.—Licences and Fees.

General Provision as to Licences.

Exemption of Government from taking out licences.

295. *Nothing in this chapter shall be construed as requiring the Governor-General in Council or the Governor in Council to take out a licence in respect of any place in the occupation or under the control of the Government or in respect of any property belonging to the Government.*

Keeping of Animals.

Prohibitions in respect of keeping and feeding animals.

296. No person shall—

(*a*) without the permission of the *commissioner*, or otherwise than in conformity with the terms of such permission, keep *pigs* in any part of the city;

(*b*) keep any animal on his premises so as to be a nuisance or so as to be dangerous; or

(*c*) feed or permit any animal, *which is kept for dairy purposes or may be used for food*, to be fed *on filth.*

Destruction of stray pigs and dogs.

297. If any *pigs or dogs not taxed under section 128* are found straying, the same may be summarily destroyed by any person authorized in that behalf in writing by the *commissioner*.

Licences for places in which animals are kept.

298. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard *or other place* in which *quadrupeds* are kept *or taken in* for purposes of profit, shall, in the first month of every year, or, in the case of a place to be newly opened, within one month before the opening of such place, apply to the *commissioner* for a licence for the use of the same for any *such purpose of profit*.

(2) The *commissioner* may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence:

Provided that this section shall not apply to *any such place licensed as a place of public entertainment or resort under the Madras City Police Act*, 1888.

(3) *No person shall, without or otherwise than in conformity with a licence, use any place for any such purpose.*

General powers of control over stables, cattle-sheds and cow-houses.

299. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the *commissioner* as regards their site, construction, materials and dimensions.

(2) The *commissioner* may by notice require that any stable, cattle-shed or cow-house be altered, paved, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned, or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner of the building or land to which the stable, cattle-shed or cow-house belongs, or for the use of the occupants of which the same was constructed or is continued.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the said owner.

Power to direct discontinuance of use of building as a stable, cattle-shed or cow-house.

300. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner *required* by or under this Act, the *commissioner* may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Provision of public cattle stands and sheds.

301. (1) *The commissioner may construct or provide and maintain public cart-stands, cattle-sheds and cow-houses and may require the payment of such rents and fees, if any, for the use of the same as the standing committee may determine.*

(2) *The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.*

Removal of carcasses of dead animals.

302. (1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either—

(*a*) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the *commissioner* in that behalf, or

(*b*) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal, of such amount as shall be fixed by the *commissioner*, shall be paid by the owner of the animal or, if the owner

is not known, by the occupier of the premises in or upon which, or by the person in whose charge the *animal* died.

Explanation.—The word "animal" in this section includes only animals the dead bodies of which can be described as "carcasses," that is, large beasts such as elephants, camels, horses, mules, donkeys, horned beasts, sheep and pigs.

Industries and Factories.

Purposes for which places may not be used without licence.

303. (1) The owner or occupier of every place used for any purpose *specified in schedule VI* shall in the first month of every year or, in the case of a place to be newly opened, before *it is opened*, apply to the *commissioner* for a licence for the use of such place for *such* purpose.

(2) The *commissioner* may, by an order *and under such restrictions and regulations as he thinks fit*, grant or refuse to grant such licence.

(3) No person shall, without *or otherwise than in conformity* with such a licence, use any place for *such* purpose.

Prohibition against erection without permission of machinery which may cause nuisance.

304. (1) No person shall, without the permission of the *commissioner*, erect anywhere any steam-boiler or machinery by the use of which smoke, *smell, noise, vibration, dust or floating particles of combustible or other matter* are produced or danger is likely to arise to the inhabitants of the neighbourhood.

(2) *The commissioner may refuse to give such permission if he is of opinion that such boiler or machinery in the proposed position is objectionable by reason of the density of the population in the neighbourhood or will be a nuisance to the inhabitants of the neighbourhood, or may grant such permission under such restrictions and regulations as he thinks fit.*

(3) All chimneys in connexion with any steam-boiler *or machinery* erected within the city *after the commencement of this Act* shall be of such height and dimensions as the *commissioner* may determine.

Power to prohibit working of factory by night and using of rice-husk, etc., for fuel.

305. *The commissioner may at any time by general or special order prohibit—*

(a) the working between the hours of 9-30 p.m. and 5-30 a.m. of any machinery making a noice or causing vibration, if he is of opinion that such noise or vibration will disturb the sleep of the inhabitants of the neighbourhood; or

(b) the use of rice-husk or similar products as fuel in any furnace worked for any industrial purpose, if he is of opinion that a public nuisance is likely to be caused by such use.

Prohibition of use of steam-whistle or steam-trumpet without permission.

306. (1) *No person shall without the permission of the commissioner use or employ in any factory or any other place any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.*

(2) *The commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using it:*

Provided that nothing in sub-section (2) shall be deemed to require one month's notice to be given by the commissioner if he suspends or revokes any such permission for any reason specified in sub-section (5) of section 382.

Depots for Combustibles.

Licence for depots of combustibles.

307. (1) The owner or occupier of any place for the sale or storage for other than domestic use of timber, firewood, charcoal, straw, coal, or any other combustible thing, shall in the first month of every year or, in the case of a place to be newly opened, within one month before the opening *thereof*, apply to the *commissioner* for a licence.

(2) Every application for such licence shall contain a statement showing the boundaries and measurements of such place.

(3) The *commissioner* may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(4) *No person shall, without or otherwise than in confirmity with a licence, use any place for any such purpose.*

Washing and Bathing.

Provision of places for bathing and for washing animals.

308. The *council* shall set apart places for use by the public for bathing *purposes* and for washing animals.

Provision of public wash-houses.

309. (1) The *commissioner* may construct or provide and maintain public wash-houses or places for the washing of clothes, and may require the payment of such rents and fees for the use of any such wash-house or place as the standing committee may determine.

(2) *The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.*

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the *commissioner* may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

Prohibition against washing by washermen at unauthorised places.

310. (1) The *commissioner* may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within three miles of the boundary thereof, except at—

(*a*) public wash-houses or places maintained or provided under section 309; or

(*b*) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within or without municipal limits other than a public wash-house or a place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or to be brought within the city.

Slaughter-houses.

Provision of municipal slaughter-houses.

311. (1) The *council* shall provide a sufficient number of places for use as municipal slaughter-houses and *the commissioner, with the approval of the standing committee*, may charge such rents and fees for *their* use as *he* may think fit.

(2) The *commissioner* may farm out the collection of such rents and fees for any period not exceeding *three years* at a time on such terms and conditions as *he* may *think* fit.

(3) Municipal slaughter-houses may be situated within or, with the sanction of the *Governor in Council*, without the city.

Licence for slaughter-houses.

312. (1) The owner of any place in the city *which is used as a slaughter-house for the slaughtering of an animal or for the skinning or cutting up of any carcass or of* any place within three miles of the municipal limits which is used as a slaughter-house for the slaughtering of animals intended for food to be consumed within the city shall in the first month of every year or, in the case of a place to be newly opened, one month before the opening *thereof*, apply to the *commissioner* for a licence.

(2) The *commissioner* may by an order, and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant *or* refuse to grant such licence.

Slaughter of animals during festivals and ceremonies.

313. The commissioner may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

Slaughter of animals for sale or food.

314. No person shall slaughter within the city any cattle, *horse*, sheep, goat or pig for sale or food *or skin or cut up any carcass* without or *otherwise than in conformity with* a licence from the *commissioner* or dry or permit to be dried any skin in such a manner as to cause a nuisance.

Slaughter of animals for religious ceremony.

315. The *commissioner* may authorise any person to slaughter without licence and without the payment of any fee any animal for the purpose of a religious ceremony.

The Milk Trade.

Regulation of milk trade.

316. (1) *No person shall without or otherwise than in conformity with a licence from the commissioner—*

(a) carry on within the city the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce;

(b) use any place in the city for the sale of milk or dairy produce.

(2) *Such licence may be refused or may be granted either unconditionally or upon conditions laid down by the commissioner which may extend to the construction, ventilation, conservancy, supervision and inspection of the premises, whether within or without municipal limits, where the cows from which the milk supply is derived are kept.*

Markets, Butchers' Shops, etc.

Public markets.

317. All markets which are constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets.

Powers of municipal authorities in respect of public markets.

318. (1) The *council* may provide places for use as public markets.

(2) The *commissioner* with the approval of the standing committee may charge such rents and fees as he may think fit for the use of such markets, or the right to expose goods for sale therein and for the use of any shop, stall, pen, or *stand* therein and may, subject to the same approval, let on lease, or farm the stallages, rent and fees leviable therein as aforesaid, or any other portion thereof, for any period not exceeding one year at a time.

Commissioner's control over public markets.

319. (1) No person shall, without *or otherwise than in conformity with a licence* from the *commissioner*, sell or expose for sale any animal or article within *any* public market.

(2) The *commissioner* may expel from *any public* market any person who or whose servant has been convicted of disobeying any regulation made under section *325 or any bylaw made under section 366* at the time in force in such market and may prevent such person from carrying on by himself or his agent any trade or business in such market or occupying any shop, stall, or other place therein, and may determine any lease or tenure which such person may possess in any such shop, stall or place.

Establishment of private markets.

320. (1) *The council shall determine whether the establishment* of new private markets for the sale or for the purpose of exposing for sale animals intended for human food or any article of human food *shall be permitted in the city or any specified part of the city.*

(2) No person shall establish *any such* new private market except with the sanction of the *standing committee, which shall be guided in giving or refusing sanction by the resolutions of the council passed under sub-section* (1).

Licensing of private markets.

321. (1) No person shall without or otherwise than in conformity with an annual licence granted by the *commissioner* in this behalf *continue to* keep open a private market. *Application for the renewal of the licence shall be made* in the first month of every year.

(2) The *commissioner* may by an order, subject to such restrictions and regulations as he thinks fit,—

(*a*) grant or refuse to grant or renew such licence, or

(*b*) withhold the licence until the owner (or occupier) executes such works as may be specified in the order :

Provided that the *commissioner* shall not refuse or withhold such licence for any cause other than the failure of the owner or occupier thereof to comply with some provision of this Act or some regulation made under section *325* or some by-law made under section *366*, or without the approval of the *standing committee.*

(3) The *commissioner* shall cause a notice that the market has been so licensed to be affixed in English and in two vernacular languages in some conspicuous place at or near the entrance to every such market.

(4) The *commissioner*, if a licence has been refused or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and in the Tamil, Telugu and Hindustani languages to some conspicuous place at or near the entrance to the market.

Sale in unlicensed private market.

322. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

Powers of commissioner in respect of private markets.

323. The *commissioner* may by notice require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to—

(*a*) construct approaches, entrances, passages, gates, drains and cesspits for such market and provide *it* with latrines;

(*b*) roof and pave the whole or any portion of *it* or pave any portion of the floor with such material as will in the opinion of the *commissioner* secure imperviousness and ready cleansing;

(*c*) ventilate *it* properly and provide it with a supply of water;

(*d*) provide passages of sufficient width between the stalls; *and*

(*e*) keep *it* in a cleanly and proper state and remove all filth and refuse therefrom.

Suspension or refusal of licence in default.

324. (1) If any person, after notice given to him in that behalf by the *commissioner*, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section *323* the *commissioner* may, with the sanction of the standing committee, suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

Power of commissioner to make regulations for markets, bazaars, slaughter-houses, and places set apart for sacrifice of animals.

325. The *commissioner* may, with the approval of the standing committee, make regulations, not inconsistent with any provision of this Act or of any bylaw made under section *366*,

(*a*) for preventing nuisances or obstruction in any market-building, market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(*b*) fixing the days and the hours on and during which any market, bazaar or slaughter-house may be held or kept open for use;

(*c*) for keeping every market-building, market-place, bazaar, slaughter-house and

place specified under section *313* in a cleanly and proper state, and for removing filth and refuse therefrom;

(*d*) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water; and

(*e*) requiring that, in market-buildings, market-places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public.

Butcher's, fishmonger's and poulterer's licence.

326. No person shall, without, or otherwise than in *conformity* with a licence *from the commissioner* carry on the trade of a butcher, *fishmonger or poulterer* or use any place for the sale of flesh or fish intended for human food:

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in airtight and hermetically sealed receptacles.

Power to prohibit or regulate sale of articles in public streets.

327. The *commissioner* may, with the sanction of the standing committee, prohibit by public notice *or licence or regulate* the sale or exposure for sale, of any articles in or on any public street or part thereof.

Inspection of places for sale, etc.

Duty of commissioner to inspect.

328. It shall be the duty of the *commissioner* to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil, and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

Powers of commissioner for purposes of inspection.

329. (1) *The commissioner or any person authorized by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food or exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing preparing or containing any such article.*

(2) If the *commissioner or any person so authorized by him* has reason to believe that in any place any animal intended for human food is being slaughtered *or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed,*

kept or exposed for sale, or sold without, or otherwise than in conformity with a licence he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of law, by-laws or regulations *or any condition of a licence* is being contravened.

(3) No claim shall lie against *a commissioner or any person acting under his authority or the Corporation* for any damage *or inconvenience* necessarily caused *by the exercise of powers under this section* or by the use of any force necessary for effecting any entry into any place under this section.

(4) *In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.*

Preventing inspection by commissioner.

330. *No person shall in any manner whatsoever prevent the commissioner or person duly authorized by him exercising his powers under the last preceding section.*

Power of commissioner to seize diseased animal, noxious food, etc.

331. If *any* animal, *poultry or fish intended for food* appears to the *commissioner or to a person duly authorized by him*, to be diseased, *or any food appears to him to be noxious*, or if any vessel or utensil *used in manufacturing, preparing or containing such article appears to be* of such kind or in such state as to render the article *noxious*, he may seize *or* carry away *or secure* such animal, article, utensil, or vessel, in order that the same may be dealt with as hereinafter provided.

Explanation.—Meat subjected to the process of blowing shall be deemed to be *noxious.*

Removing or interfering with articles seized.

332. *No person shall remove or in any way interfere with an animal or article secured under the last preceding section.*

Power to destroy article seized.

333. (1) When any animal or article of food is seized under section *331*, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food or exposed for sale, *and* if the article is perishable, *without such consent.*

(2) *Any* expenses incurred in destroying any *animal or* article *under* subsection (1), shall be paid by the *owner or* person in whose possession such article was at the time of its seizure.

Production of articles, etc., seized before magistrate and powers of magistrate to deal with them.

334. (1) *Articles of food*, animals, *poultry, fish*, utensils, or vessels, seized under section 331 *and* not destroyed under section 333 shall *as soon as possible* be *produced* before a magistrate.

(2) *Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Act*, if it appears to the magistrate on taking such evidence as he thinks necessary that any *such* animal, *poultry or fish* is diseased, or any such article is *noxious* or any such utensil or vessel is of such kind or in such state as is described in section 331 he *may* order the same,

(*a*) to be forfeited to the Corporation

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

Disposal of the dead.

Registration or closing of ownerless places for disposal of dead.

335. If it appears to the *commissioner* that there is no owner or person having the control of any place *used for burying, burning, or otherwise disposing of the dead*, he shall assume such control and register such place, or may, with the sanction of the *council*, close *it*.

Licensing of places for disposal of dead.

336. (1) *Save as provided in section* 295, no new place for the disposal of the dead, whether public or private, shall be opened, formed, *constructed*, or used unless a licence has been obtained from the *commissioner* on application.

(2) Such application for a licence shall be accompanied by *a* plan *of the place to be registered, showing the locality, boundaries and extent thereof, the name of the owner or person or community interested therein, the system of management, and such further particulars as the commissioner may require.*

(3) The *commissioner* may, with the sanction of the *council*,

(*a*) grant or refuse a licence, *or*

(*b*) postpone the grant of a licence until his objections *to the site* have been removed *or any particulars called for by him have been furnished.*

Provision of burial and burning grounds and crematoria within or without the city by the corporation.

337. (1) *The council may, and shall if no sufficient provision exists*, provide at the cost of the municipal fund places to be used as burial or burning grounds *or crematoria*, either within or without the limits of the city, *and may charge rents and fees for the use thereof.*

(2) *The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.*

(3) If the corporation provide any such place without the limits of the city, all the provisions of this Act and all by-laws framed *under this Act* for the management of such places within the city shall apply to such place and all offences against such provisions or by-laws shall be cognizable by the presidency magistrates as if such place were within municipal limits.

Register of registered, licensed and provided places and prohibition of use of other places.

338. (1) A book shall be kept at the municipal office in which the places registered, licensed *or provided* under *section 335, section 336 or section 337, and all such places registered, licensed, or provided before the commencement of this Act*, shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice *that such place has been registered, licensed or provided as aforesaid* shall be affixed in English and in at least one vernacular language to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) The *commissioner* shall annually publish a list of all places registered, licensed, *or provided* as aforesaid *or provided by the Government.*

(4) No person shall bury, burn or otherwise dispose of any corpse *except in a place which has been registered, licensed or provided as aforesaid.*

Report of burials and burnings.

339. The person having control of a *place for disposing of the dead* shall give information *of every* burial, burning *or other disposal of a corpse at such place* to the officer, if any, appointed by the *commissioner* in that behalf.

Prohibition against making of vault or grave in place of worship.

340. No person shall make a vault or grave, or cause any corpse to be buried within the walls of or underneath any place of public worship:

Provided that in the case of an existing vault, the *commissioner* may, subject to the general or special orders of the *Governor in Council*, authorize the burial in such vault of near relatives of the family to whom it belongs.

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

341. (1) If the *commissioner* is of opinion—

(*a*) that any registered or licensed *place for the disposal of the dead* is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or

(*b*) that any burial-ground is overcrowded with graves,

and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead *exists or* has been provided for the persons who would ordinarily make use of such place,

he may, with the consent of the *council* and the previous sanction of the *Governor in Council*, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn, or otherwise dispose of any corpse *at* such place.

(2) Every notice given under sub-section (1) shall be published and a translation thereof in at least one vernacular language shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn, or otherwise dispose of a corpse at such place except with the written permission of the *commissioner.*

Prohibition against burial or burning contrary to Act or by-laws.

342. No person shall bury, burn or otherwise dispose of a corpse or part thereof in any place otherwise than in accordance with the provisions of this Act and of any by-laws made *under this Act.*

Grave-digger's licence.

343. No person shall discharge the office of a grave-digger or other attendant at a public *place for the disposal of the dead (other than a place provided by the Government)* unless he has been licensed in that behalf by the *commissioner.*

Chapter XIII.—Vital Statistics and the Prevention of Disease.

Vital Statistics.

Compulsory registration of vital statistics.

344. (1) *The Corporation shall register all births and deaths occurring in the city.*

(2) *Such registration shall be made and enforced in the prescribed manner.*

Census.

345. (1) At such time and in such manner as the *Governor in Council* may direct, an enumeration shall be made of *the population of the whole city or of any part thereof.*

(2) *Such enumerations shall be made and enforced in the prescribed manner.*

Dangerous Diseases.

Power to notify "dangerous disease."

346. *The Governor in Council may, by notification, declare any epidemic, endemic or infectious disease (not already specified in sub-clause (a) of section 3, clause (10)) to be a "dangerous disease" for the purposes of this Act.*

Obligation of medical practitioner or owner or occupier to report dangerous disease.

347. (1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling (not being a public hospital) in the city, he shall inform the *commissioner*, the health officer, *the medical registrar of the district*, or the sanitary inspector of the division, with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the *commissioner* may require. *The commissioner may pay a fee not exceeding one rupee for each intimation by a private medical practitioner of a case occurring in his practice.*

(3) *With the previous approval in all cases of the council, the commissioner may direct the compulsory notification by the owner or occupier of every house within the municipal limits, during such period and to such officer as the commissioner may prescribe, of all deaths from or occurrences of dangerous disease in his house.*

Explanation.—Sub-sections (1) *and* (2) shall apply to a hakim or a vaidyan.

Power of entry into suspected places.

348. The *commissioner* may at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place.

Prevention of infection.

Provision of conveyances for carriage of patients.

349. The *commissioner* may, with the consent of the standing committee, provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease.

Power to order removal of patients to hospital.

350. (1) If it appears to the health officer *or to an assistant health officer* that any person is—

(*a*) suffering from a dangerous disease, and

(*b*) without proper lodging or accommodation or lodged in a place occupied by more than one family, *or without medical supervision directed to prevent the spread of the disease*,

and if he considers that such person should be removed to a hospital or other place at which patients suffering from such disease are received for medical treatment,

he may by an order *in writing* cause such person to be removed to the said hospital or place.

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the same has accommodation for females of a suitable kind and set apart from the portions assigned to males.

(2) If any female, who, according to custom, does not appear in public, be removed to any hospital or place under sub-section (1),

(*a*) the removal must be effected in such a way as to preserve her privacy ;

(*b*) special accommodation suited to such custom must be provided for her in such hospital or place ;

(*c*) she shall be treated therein by female agency ; and

(*d*) a female relative shall be allowed to remain with her.

(3) Whoever, having charge of a person in respect of whom an order is made under sub-section (1), disobeys the said order, shall be deemed to have committed an offence punishable under section 269 of the Indian Penal Code.

Disinfection of buildings and articles.

351. (1) If the *commissioner* is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse or disinfect the same, in the manner and within the time *specified* in such notice.

(2) The owner or occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the *commissioner* 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 *commissioner* may himself *without notice* cause such building or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the *commissioner* shall be recoverable from the said owner or occupier in cases in which such owner or occupier *is*, in the opinion of the *commissioner*, not unable by reason of poverty effectually to comply with such requisition.

Destruction of huts and sheds when necessary.

352. (1) *If the commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.*

(2) *Compensation shall be paid by the commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.*

Provision of places for disinfection and power to destroy infected articles.

353. (1) The *commissioner* may—

(*a*) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection, and

(*b*) cause conveyances, clothing or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by the standing committee.

(2) The *commissioner* may notify places at which conveyances, clothing, bedding or other articles which have been exposed to infection shall be washed and no person shall wash any such article at any place not so notified without having previously disinfected it.

(3) The *commissioner* may direct any clothing, bedding or other articles likely to retain infection to be disinfected or

destroyed, and may give compensation for any article destroyed under this sub-section.

Prohibition against transfer of infected articles.

354. No person shall, without previously disinfecting *it*, give, lend, let, hire, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

Prohibition against infected person carrying on occupation.

355. *If any person knows he is suffering from a dangerous disease he shall not engage in any occupation, or carry on any trade or business unless he can do so without risk of spreading the disease.*

Prohibition against diseased person entering public conveyance.

356. (1) No person who is suffering from any dangerous disease shall, without taking proper precautions against spreading *such disease*, cause or suffer himself to be conveyed in a public conveyance.

(2) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(3) No owner, driver, or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid in contravention of sub-section (1).

(4) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(5) *A court convicting any person of contravening sub-section* (1) *or sub-section* (2) *may levy in addition to the penalty for the offence provided in this Act an additional fine of such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance; the amount of any additional fine so imposed shall be awarded by the court to the owner or driver of the conveyance:*

Provided that if such additional fine is imposed in a case which is subject to appeal, the amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed; or if an appeal is presented, before the decision of the appeal.

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

Disinfection of public conveyance after carriage of patients.

357. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried shall *forthwith* take the conveyance for disinfection to a place, if any, appointed under section 353.

(2) The person in charge of such place shall forthwith intimate to the health officer the number of the conveyance and proceed to disinfect the conveyance.

(3) No such conveyance shall be used until the health officer has granted a certificate stating that it may be used without causing risk of infection.

Letting of infected buildings.

358. (1) No person shall let or sublet or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has disinfected the said building and granted a certificate to that effect, or before a date specified in the said certificate as that on which such building may be re-occupied.

(2) For the purposes of sub-section (1), the keeper of a hotel or lodging-house shall be deemed to let the same *or part of the same* to any person accommodated therein.

Minor suffering from dangerous disease not to attend school.

359. *No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.*

Provision as to library books.

360. (1) *If any person knows that he is suffering from an infectious disease he shall not take any book or use or cause any book to be taken for his use from or in any public or circulating library.*

(2) *A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.*

(3) *A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned but shall give notice to the commissioner that the book has been so exposed to infection, and the commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.*

(4) *The commissioner shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.*

Smallpox.

Compulsory vaccination.

361. *The corporation shall enforce vaccination throughout the city in the prescribed manner.*

Obligation to give information of smallpox.

362. *Where an inmate of any dwelling-place within the city is suffering from smallpox the head of the family to which the inmate belongs and, in his default, the occupier or person in charge of such place, shall inform the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division, with the least practicable delay.*

Prohibition of inoculation for smallpox.

363. (1) *Inoculation for smallpox is hereby prohibited.*

(2) *No person who has undergone the operation of inoculation shall enter the city before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the council may authorise to grant such certificates stating that such person is no longer likely to produce smallpox by contact or near approach.*

PART V.

SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XIV.—RULES, BY-LAWS AND REGULATIONS.

Rules and Schedules.

Power of Governor in Council to make rules.

364. (1) *The Governor in Council* may make rules not inconsistent with this Act *with respect to*—

(*a*) *the qualifications of voters and candidates under section 53, clauses* (*a*) *and* (*b*), *section 54, clause* (*b*) *and section 57, clause* (*f*) ;

(*b*) *the procedure for divisional elections under section 65* ;

(*c*) the election of the standing committee under *section 19* ;

(*d*) *the election of the President of the council and the chairman of the standing committee under section 29* ;

(*e*) any other matters regarding the system of election or appointment *for* which it may seem expedient to provide ;

(*f*) *the collection of the terminal tax under section 146, sub-section* (4) *and of the duty on transfers of property under section 149.*

(*g*) *building* under *section 247* ;

(*h*) *the registration of vital statistics under section 344* ;

(*i*) *enumerations of the population under section 345* ;

(*j*) *the enforcement of vaccination under section 361* ;

(*k*) *forms of registers and returns of births and deaths, the manner in which the registers shall be maintained, the dates on which returns shall be made and the officer to whom returns shall be sent ; and*

(*l*) *the form of warrant issued under rule 24 of Schedule IV, and that of the notice of sale issued under rule 26 of the same schedule* ;

and generally for the guidance of the municipal authorities and of public officers in all matters connected with the carrying out of this Act.

(2) *The Governor in Council* may make rules altering, adding to, or cancelling any part of Schedule *III*, chedule *V* or Schedule *VI*.

(3) All references made in this Act to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by sub-section (2).

(4) *In making any rule the Governor in Council may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.*

Making of rules after previous publication.

365. The power to make rules under section *364 and the power to issue notifications under sections 41 and 48* are subject to the following conditions :—

(*a*) A draft of the rules or notification shall be published in the *Fort St. George Gazette* and forwarded to the *council* for their opinion.

(*b*) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the *Governor in Council* may appoint.

By-Laws.

Power of council to make by-laws.

366. The *council* may make by-laws, not being inconsistent with *any provision of law or any rules made under any provision of law*, to provide—

(1) *for* the due performance by all municipal officers and servants of the duties assigned to them ;

(2) *for* the regulation of the time and mode of collecting the taxes, *duties* and tolls under this Act ;

(3) *for* the use of public tanks, wells, conduits, and other places or works for water-supply, public bathing, washing and the like, *the maintenance and protection of the water-supply, lighting and drainage systems, the conditions on which house connexions may be made, the protection of the water-supply from contamination, the measurement of water, the compulsory provision of cisterns and meters, the prevention of waste of water, the situation, mode of construction and materials and the cleansing of house-drains, water-closets, latrines, earth-closets, ash-pits, and cesspools, the keeping of water-closets supplied with sufficient water for flushing, the testing of water-pipes and drains in private premises and the recovery or the apportionment of the cost of such testing, the breaking up of ground or of buildings for the purpose of such testing, and the payment or apportionment of money payable on account of pipes or drains common to more premises than one, the supply of water in case of fire, the licensing of*

plumbers and fitters, the compulsory employment of licensed plumbers and fitters and in general the effective operation of the water-supply, lighting and drainage systems in the interests of the health and well-being of the inhabitants of the city;

(4) *for the regulation of traffic, the regulation of the use of public streets, the closing thereof, or parts thereof, or their reservation for particular kinds of traffic; the regulation of the use of parks, gardens, and other public or municipal places, and the protection of avenues, trees, grass, and other appurtenances of such streets and other places;*

(5) *for* the regulation of building and the laying out of streets, *for determining the information and plans to be submitted with applications for permission to build or to lay out streets, for the licensing of builders, and surveyors, and for the compulsory employment of licensed builders, and surveyors;*

(6) *for the sanitary control and supervision of places used for any of the purposes specified in schedule VI and of any trade or manufacture carried on therein;*

(7) *for* the control and supervision of slaughter-houses *and of methods of slaughtering and of places used for skinning and cutting up carcasses* and the control and supervision of butchers carrying on business in the city or at any slaughter-house without the city *provided or licensed by the corporation;*

(8) *for* the regulation, inspection and control of the use of public and private markets, and shops and other places therein and the control and regulation of the sanitary condition of the same;

(9) *for prescribing* the method of sale of articles whether by measure, weight, tale or piece;

(10) *for prescribing and providing* standard weights, scales and measures and preventing the use of any others;

(11) for the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

(12) *for* the manner in which stables and cattle-sheds are to be constructed and connected with the municipal drains;

(13) *for* the inspection of milch-cattle, and the regulation of the ventilation, lighting, *cleaning*, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy-man or milk-seller;

(14) *for* enforcing the cleanliness of milk-stores and milk-shops and vessels *and utensils* used *by the keepers thereof or by hawkers* for containing *or measuring* milk *or preparing any milk product;*

(15) *for* requiring notice to be given whenever any milch-animal is affected with any contagious disease and precautions to be taken *in order to* protect milch-cattle and milk against infection and contamination;

(16) *for* the prevention of dangerous diseases of men or animals;

(17) *for* the regulation of *hotels*, lodging-houses, *boarding-houses, choultries, rest-houses, emigration depots, restaurants, eating-houses, cafés, refreshment rooms, coffee-houses, and any premises to which the public are admitted for repose or for the consumption of any food or drink;*

(18) *for* the enforcement of compulsory vaccination;

(19) *for* the regulation of burial and burning grounds *and other places for the disposal of corpses;* the levy of fees for the use of such *burial and burning* grounds *and crematoria* as are maintained *by the corporation; the verification of deaths and the causes of death; the period for which corpses must be kept for inspection; the period within which corpses must be conveyed to a burial or burning ground; the mode of conveyance of corpses through public places; and the like;*

(20) *for* the registration of births, deaths *and marriages;*

(21) *for* the enumeration of the inhabitants of the city;

(22) *for the prevention of outbreaks of fire;*

(23) *for the prohibition and regulation of advertisements in public streets or parks;*

(24) *in general for securing cleanliness, safety and order and the good government and well-being of the city and for* carrying out *all* the purposes of this Act.

Power to give retrospective effect to certain by-laws.

367. *By-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connexion with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the passing of the by-laws or of this Act.*

By-laws to regulate alterations of buildings.

368. *The council may make by-laws to prevent buildings which have been erected according to law, rules or by-laws from being altered in such a way that if at first so constructed they would have contravened the law, rules or by-laws.*

Penalty for breaches of by-laws.

369. In making *any* by-law under *sections 366, 367 and 368*, the *council* may provide that a breach *thereof* shall be punishable—

(*a*) with fine which may extend to *fifty* rupees, and in case of a continuing breach with fine which may extend to *fifteen rupees* for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to *ten rupees* for every day during which the breach continues after receipt of notice from the *commissioner* to discontinue such breach.

Confirmation of by-laws by Local Government.

370. (1) No by-law made by the *council* under this Act shall have any validity unless and until it is sanctioned by the *Governor in Council*.

(2) Before confirming or sanctioning any such by-law, the *Governor in Council* may modify it.

Conditions precedent to making of by-laws.

371. The power to make by-laws under this Act is subject to the conditions—

(*a*) that a draft of the by-laws is published in the *Fort St. George Gazette* and in the local newspapers;

(*b*) that *the* draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof or of such longer period as the *council* may appoint;

(*c*) that for at least one month during such period a printed copy *of the* draft shall be kept at the municipal office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; *and*

(*d*) that printed copies *of the* draft *shall be sold* to any person requiring *them*, on payment of such *price*, not exceeding *the actual cost*, as the *commissioner* may fix.

Publication of Rules, By-laws and Regulations.

Publication of by-laws or rules.

372. (1) When any rule or by-law has been made under this Act, it shall be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu and Hindustani languages.

(2) The *commissioner* shall cause all rules *and* by-laws in force to be printed in the said languages, and shall cause printed copies thereof to be *sold* to any applicant on payment of *a price per copy not exceeding the actual cost.*

(3) The *commissioner* shall from time to time *advertise in the* local newspapers *that* copies of rules and by-laws are for sale and specify the place where and the person from whom *and the price at which they* are obtainable.

(4) The *Commissioner* shall publish *lists of offences and fines under this Act and the rules and by-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of a price per copy not exceeding the actual cost.*

Publication of regulations.

373. *Regulations made under this Act shall be published in such manner as the council may determine.*

Exhibition of by-laws, rules and regulations.

374. (1) *Printed copies of by-laws under section* 366, *clause* (4), *shall be affixed at the entrances to, or elsewhere in the street, park or other place affected thereby in such conspicuous manner as the commissioner may deem best calculated to give information to the persons using such place.*

(2) *Printed copies of other by-laws and of the rules and regulations shall be* hung up in some conspicuous part of the municipal office. The *commissioner shall also keep affixed in a like manner in* places of public resort, markets, slaughter-houses and other places affected thereby *copies of such portions of the rules, by-laws and regulations as may relate to those places.*

(3) No municipal officer or servant shall prevent any person from inspecting at any reasonable time *copies so exhibited.*

(4) No person shall, without lawful authority, destroy, pull down, injure, or deface *any copies exhibited as above or any* board *to which the copies have been affixed.*

CHAPTER XV.—PENALTIES.

General provisions regarding penalties specified in the schedules.

375. (1) Whoever—

(*a*) contravenes any provision of any of the sections *or rules* of this Act specified in the first column of schedule *VII*; or

(*b*) contravenes any rule or order made under any of the *specified* sections *or rules*; or

(*c*) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under *or in pursuance of* the provisions of any of the said sections, *or* rules;

shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any provision of any of the sections *or rules* of this Act specified in the first column of schedule *VIII*; or

(*b*) contravening any rule or order made under any of the *specified* sections *or rules*; or

(*c*) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under *or in pursuance of* any of the said sections, *or* rules;

continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished, for each day after the *previous date of conviction* during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

Explanation.—The entries in the second columns of *schedules VII and VIII* headed "subject" are not intended as definitions of the offences described in the sections, sub-sections, clauses *or rules* mentioned in the first column or even as abstracts of those sections, sub-sections, clauses *or rules*, but are inserted merely as references to the subject of the sections, sub-sections, *rules* or clauses as the case may be.

Penalty for voting when pecuniarily interested and acting as councillor when disqualified.

376. *If a councillor votes in contravention of section 35, or acts as councillor when disqualified under section 59, he shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.*

Penalty for acquisition by municipal officer of interest in contract or work.

377. If the *commissioner* or any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or *employee* or servant, any personal share or interest in any contract or employment with, by, or on behalf of the corporation, he shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code: *provided that no person shall by reason of being a shareholder in, or member of, any company, be held to be interested in any contract between such company and the corporation unless he is a director of such company.*

Penalty for omission to take out licence for vehicle or animal.

378. (1) Every owner or person in charge of any vehicle or animal liable to tax under section *128* who omits to obtain a licence under section *133* shall, on conviction, be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum, under section *131* fails to pay such sum and the amount due for a licence shall in such case be taken as the amount so compounded for.

Penalty for unlawful building.

379. If the construction or re-construction of any building *or well*—

(*a*) is commenced without the permission of the commissioner, or

(*b*) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(*c*) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or by-law made under it, or of any direction or requisition lawfully given or made, or

if any alterations or additions required by any notice issued under section *262* or *section 272* are not duly made, or

if any person to whom a direction is given by the *commissioner* to alter or demolish a building *or well* under *section 273* fails to obey such direction,

the owner of the building *or well* or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a masonry building to five hundred rupees and in the case of a *well or* hut to fifty rupees, and to a further fine which may extend in the case of a masonry building to one hundred rupees, and in the case of a *well or* hut to ten rupees, for each day during which the offence is proved to have continued after the first day.

Notice to scavengers before discharge.

380. (1) In the absence of a written contract to the contrary, every scavenger employed by the corporation shall be entitled to one month's notice before discharge or to one month's wages in lieu

thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of scavengers without notice.

(2) Should any scavenger employed by the corporation, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the corporation, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment *of either description* which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

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

Wrongful restraint of commissioner and his delegates.

381. *Every person who prevents the commissioner, or any person to whom commissioner has lawfully delegated his powers of entering into or on any land or building, from exercising his lawful power of entering thereinto or thereon shall be deemed to have committed an offence under section 341 of the Indian Penal Code.*

PART VI.

CHAPTER XVI.—PROCEDURE AND MISCELLANEOUS.

Licences and Permissions.

General provisons regarding licences, registrations and permissions.

382. (1) Every licence and permission granted under this Act or any rule or by-law made *under it* shall specify the period, *if any*, for which and *the* restrictions, *limitations* and conditions subject to which the same is granted, and shall be signed by the *commissioner*.

(2) For every such licence or permission *fees* may be charged at such rate as may be *sanctioned* by the *council*.

(3) *The commissioner may, subject to the special provisions of sections* 301, 309, 311, 318 and 337, *farm out the collection of such fees for any period not exceeding three years at a time on such conditions as he thinks fit.*

(4) *Every order of the commissioner refusing to grant a licence shall state the grounds on which it proceeds.*

(5) Subject to the *special* provisions *in chapters X and XII regarding building and private markets, and subject to such sanction as may be required for the refusal of a licence or permission, and to such appeal as may be provided in case of refusal*, any licence or permission granted under this Act or any rule or by-law made *under it* may at any time be suspended or revoked by the *commissioner* if any of its restrictions, *limitations* or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, by-law *or regulation* made *under it* in any matter to which such licence or permission relates, *or if the grantee has obtained the same by misrepresentation or fraud.*

(6) *It shall be the duty of the commissioner to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset and also between sunset and sunrise, if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Act. or otherwise than in conformity with the same, he may at any time by day or night*

without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, by-laws, regulations, any condition of a licence, or any lawful direction is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the commissioner or any person to whom he has lawfully delegated his powers or by any force necessary for effecting an entrance under this sub-section.

(7) When any licence or permission is suspended or revoked, or when the period for which it was granted *or within which application for renewal should be made* has expired, *whichever expires later*, the grantee shall for all purposes of this Act, or any rule or by-law made *under it* be deemed to be without a licence or permission until the *commissioner's* order suspending or revoking the licence or permission is cancelled by him, or *subject to sub-section (11)*, until the licence or permission is renewed, as the case may be.

(8) Every grantee of any licence or permission shall, at all reasonable times, while such licence or permission remains in force, produce the same at the request of the *commissioner*

(9) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make a registration required by *the provisions of this Act, or by any rule or by-law made under this Act*, the magistrate shall in addition to any fine which may be imposed recover summarily *and pay over to the corporation* the amount of the fee chargeable for the licence *or* permission or *for* registration.

(10) Such recovery *of the fee under sub-section 9* shall not entitle the person convicted to a licence *or* permission or *to* registration as aforesaid.

(11) *The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration; but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed; and, save as otherwise specially provided in this Act, if orders on*

an application for a licence or permission or for registration are not communicated to the applicant within forty-five days after the receipt of the application by the commissioner, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the law, rules, by-laws, regulations and all conditions ordinarily imposed.

Appeals.

Appeals from commissioner to standing committee.

383. (1) An appeal shall lie to the standing committee from—

(*a*) any notice issued or other action taken or proposed to be taken by the *commissioner*—

(*i*) under sections *182, 193, 196, 197, 203, 204, 205, 207, 262 (1) and (3), 273 (3), 275 (1), 276 (1), 281 (1), 282, 283, 290, 298, 299, 300, 304 (3) and 305.*

(*ii*) under any by-law *concerning house-drainage or the connexion of house-drains with municipal drains, or house-connexions with municipal water-supply or lighting mains;*

(*b*) *any refusal by the commissioner to approve a building site under section 255, to grant permission to construct or reconstruct a masonry building under section 256 or to grant permission to construct or re-construct a hut under section 267.*

(*c*) any refusal by the *commissioner* to grant a permission under *sections 198, 279 and 304 (2), or*

(*d*) any refusal by the *commissioner* to grant a licence under sections *298, 303, 307, 312, 316 and 321 (2)*; or

(*e*) any order of the *commissioner* made under *section 382*, sub-section (*5*), suspending or revoking a licence.

(2) The decision of the standing committee on any such appeal shall be final.

Limitation of time for appeal.

384. In any case in which no time is *laid down in* the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal, subject to the provisions of section 5 of the Indian Limitation Act, *1908*, must be presented within thirty days after the date of the order or proceeding against which the appeal is made.

Commissioner's power to summon.

Summons to attend and give evidence or produce documents.

385. The *commissioner* may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence, under the provisions of this Act.

Procedure.

Form of notices and permissions.

386. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

Proof of consent of municipal authorities or municipal officer.

387. Whenever under this Act or any rule, by-law or regulation made *under it* the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(*a*) the *council*, the standing committee, or the *commissioner*, or

(*b*) any municipal officer,

a written document signed in case (*a*) by the *commissioner*, and in case (*b*) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence *thereof*.

Signature on documents.

388. (1) Every licence, written permission, notice, bill, schedule, summons, or other document which is required by this Act or by any rule, by-law or regulation made *under it* to bear the signature of the *commissioner* or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the *commissioner* or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund.

Publication of notices.

389. Every public notice given under the provisions of this Act or of any rule, by-law, *or regulation* made *under it* shall be widely made known in the locality affected thereby—

(*a*) by affixing copies thereof in conspicuous public places within the said locality, or

(*b*) by publishing the same by beat of drum or by advertisement in two or more of the local newspapers, or

(*c*) by any two or more of such means, and in any other way that the *commissioner* may think fit.

Publication in newspapers.

390. Whenever it is provided by this Act or by any rule, by-law *or regulation* made *under it* that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the same, such notice, notification or information shall be inserted in at least one English and one vernacular newspaper published in the city.

Service or sending of notices, etc.

Method of serving documents.

391. (1) When any notice or other document is required by this Act, or by any rule, by-law, *regulation* or order made *under it*, to be served on or sent to any person the service or sending thereof may be effected—

(*a*) by giving or tendering the said document to such person ; or

(*b*) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family ; or

(*c*) if such person does not reside in the city and his address elsewhere is known to the *commissioner*, by sending the same to him by post registered ; or

(*d*) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) *When the person is an owner or occupier of any building or land* it shall not be necessary to name the owner or occupier in the document, *and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.*

Relation of occupier to owner.

Recovery by occupier of sum leviable from owner.

392. If any rent, tax or sum leviable under this Act from the owner is recovered from the occupier, such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

Obstructions of owner by occupier.

393. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act, the *commissioner* may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default.

Execution of work by occupier in default of owner.

394. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, by-law, *regulation or order* made *under it*, the occupier of such building or land may, with the approval of the *commissioner*, execute the said work, and shall be

entitled to recover from the owner the reasonable expenses incurred in the execution *thereof*, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

Commissioner's powers of entry.

Power of entry to inspect, survey or execute the work.

395. The *commissioner* may enter into or on any building or land with or without assistants or workmen, in order to make any inquiry, inspection, *test*, *examination*, survey, measurement or valuation, *or for the purpose of lawfully placing or removing meters*, *instruments*, *pipes or apparatus*, or to execute any *other* work which is authorized by the provisions of this Act or of any rule, by-law, *regulation* or order made *under it*, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute :

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

(*b*) except when it is in this Act otherwise expressly provided, no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twenty-four hours' previous notice of the intention to make such entry ;

(*c*) sufficient notice shall be in every case given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy may be preserved;

(*d*) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

Power of entry on lands adjacent to works.

396. (1) The *commissioner* may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorized by this Act or by any rule, by-law, *regulation or order* made *under it*, for the purpose of depositing on such land any soil, gravel, stone, or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on *thereof*.

(2) The *commissioner* shall, before entering on any land under sub-section (1), give the owner and occupier three days' previous notice of the intention to make such entry, and state the purpose thereof, and shall, if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The *commissioner* shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be and shall pay compensation to the owner and occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the commissioner, he may appeal to the standing committee, whose decision shall be final.

Commissioner's power to execute in default.

Time for complying with order and power to enforce in default.

397. (1) Whenever by any notice, requisition, or order under this Act or under any rule, by law or *regulation* made *under it*, any person is required to execute any work, or to take any measures or do anything a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the *commissioner* may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid.

Recovery of expenses from persons liable and limitation on liability of occupier.

398. (1) The *Commissioner* may recover any expenses incurred under section *397* from the person or any one of the persons to whom the notice, requisition or order was addressed.

(2) Notwithstanding anything contained in sub-section (*1*), no occupier shall at any time be called upon to pay any greater sum in respect of such expenses than the amount of rent then due by him, but if the rent so due is less than the sum demanded, he shall, thereafter, as each fresh instalment of rent falls due, become liable to pay a sum not exceeding the amount of such instalment until the whole of the expenses are paid.

(3) The burden of proof that the sum demanded of any such occupier is greater than the rent then or thereafter due by him shall be on the said occupier.

(4) The occupier may recover from the owner or deduct from the rent payable by him to the owner so much as is paid by or recovered from him under this section.

(5) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such works as aforesaid.

Power of commissioner to agree to receive payment of expenses in instalments.

399. *Instead of recovering any such expenses as aforesaid in the manner provided under section* 406, *the commissioner may, if he thinks fit and with the approval of the standing committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.*

Power to declare expenses on certain work improvement expenses.

400. (1) *If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned*

(a) in section 181, section 193, section 194 sub-section (1), section 235, section 281 sub-sections (1) and (2), section 286, 290 or section 323,

(b) in any rule or by-law made under this Act in which this section is made applicable to such expenses, ¶ *the commissioner may, if he thinks fit and with the approval of the standing committee, declare such expenses to be improvement expenses.*

Improvement expenses by whom payable.

401. (1) *Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, not being less than twelve rupees per annum and at such intervals, as will suffice to discharge such expenses together with interest thereon, within such period not exceeding* 30 *years as the commissioner may in each case determine.*

(2) *The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged.*

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner in any court of competent jurisdiction.

Redemption of charge for improvement expenses.

402. *At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the commissioner such part of the said expenses as are still payable.*

Execution of work by occupier in default of owner and deduction of expenses from rent.

403. *Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or under any rule or by-law made thereunder, the occupier, if any, of such land or building may, with the approval of the commissioner, execute the said work and he shall be entitled to recover from the owner the reasonable expenses incurred by him in so doing and may deduct the amount thereof from the rent payable by him to the owner.*

Relief to agents and trustees.

404. (1) When any person by reason of his receiving the rent of immovable property as agent or trustee or of his being agent or trustee for the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act, or any rule, by-law, regulation *or order* made *under it* on the *proprietor* of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the *proprietor* sufficient for the purpose.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the *commissioner* may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the *proprietor*; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Payment of compensation, etc., by and to the Corporation.

Power of commissioner to pay compensation

405. In any case not otherwise expressly provided for in this Act, the *commissioner* may, with the approval of the standing committee, pay compensation to any person who sustains damage by reason of the exercise by any municipal authority officer or servant of any of the powers vested in them by this Act or by any rule, by-law, *or regulation* made *under it.*

Recovery of sums due as taxes.

406. All costs, damages, compensation, charges, expenses, *contributions* and other sums not recoverable under the rules in *Part VII of schedule IV, which under or by virtue or in pursuance of* this Act *or any other law* are directed to be paid by any person to the Corporation, shall be demanded by bill or notice as provided in the *said rules* and may be recovered in the manner provided in *those rules* unless within fifteen days from the date *of the* service of the bill or notice such person shall have applied to the *chief judge of the Small Cause Court* under section 407.

Determination by Small Cause Court of sums payable.

407. Where in any case not provided for in section *415*, any municipal authority or any person is required by or under this Act or any rule, by-law *or regulation* made *under it* to pay any damages, compensation, charges or expenses, or contributions, the amount or apportionment of the same shall, in case of dispute, be ascertained and determined except as is otherwise provided in *section 352*, section *396* and in the Land Acquisition Act, 1894, by the *chief judge of the Small Cause Court* on application made to *him* for this purpose at any time within one year from the date when such damages, compensation, charges or expenses or contributions first became claimable.

Proceedings before Small Cause Court.

408. (1) On any application under the provisions of section 407, the said *chief judge* shall summon the other party to appear before him.

(2) On the appearance of the parties or, in the absence of any of them on proof of due service of the summons, the said *chief judge* may hear and determine the case.

(3) In every such case the said chief judge shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

Recovery of sums payable by distress.

409. (1) If the sum due on account of damages, compensation, charges, expenses, *contributions* and *the* costs ascertained in the manner described in section *408* is not paid by the party liable within seven days after demand, such sum may be recovered under a warrant *of the Small Cause Court* by distress and sale of the movable property of such party.

(2) The balance, if any, of the proceeds of such sale, after satisfying such amount and the costs of the distress and sale, shall be returned on demand, if made within twelve months, to the party whose goods have been distrained.

Recovery of sum due by suit.

410. Instead of proceeding in any manner hereinbefore *laid down* for the recovery of any *money* of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, *the corporation may recover* the sum due or the balance of the sum due, as the case may be, by suit brought in any court of competent jurisdiction against the person liable for the same.

Provisions regarding municipal prosecutions.

Prosecutions by commissioner.

411. *Subject to the provisions of section* 75, the *commissioner* may prosecute any person *for any offence against* any of the provisions of this Act, or any rule, by-law, *or regulation* made *under it*, and no such prosecution *subject as aforesaid* shall be instituted except on the authority of the *commissioner*.

Period of limitation for making complaints.

412. (1) No person shall be liable to *be tried* for any offence against any of the provisions of this Act, or of any rule, by-law, *regulation or order* made *under it*, unless complaint is made before a magistrate within six months after the commission of the offence:

Provided that failure to take out a licence, *obtain permission or secure registration* under this Act shall for the purposes of sub-section (1) be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required, *and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.*

Cognizance of offences.

413. All offences against this Act, or against any rule, by-law or regulation made *under it*, whether committed within or without the city, shall be cognizable by a presidency magistrate having jurisdiction in the city; and such presidency magistrate shall not be deemed to be incapable of taking cognizance of any such offence, or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal rate or other tax or of his being benefited by the municipal fund to the credit of which any fine imposed by him will be payable.

Imprisonment in default of payment and application of fines.

414. (1) In case any fine or costs imposed or assessed by a magistrate under this Act *or under any rule*, by-law *or regulation made under it*, shall not be paid, the magistrate may order the offender to

be *imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive)* of the Indian Penal Code.

(2) *Any* fine *or costs imposed or assessed by a magistrate by virtue of this Act shall on recovery be paid* to the corporation to be by them applied to the purposes of this Act.

Payment of compensation for damage to municipal property.

415. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule, by-law *or regulation* made *under it* and by reason of such act or omission damage has been caused to any property of the corporation, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose by the commissioner not later than three months from the date of conviction; and, *in default of payment* of the amount of compensation so determined, *it* shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

Legal proceedings in general

Institution of suits against municipal authorities, officers and agents.

416. (1) No suit *for damages or compensation* shall be instituted against the corporation or any municipal authority, officer or servant, or any person acting under the direction of the same, in respect of any act *done in pursuance or in execution or intended execution* of this Act or any rule, by-law, *regulation* or order made *under it* or in respect of any alleged neglect or default in the execution of this Act *or any rule, by-law, regulation or order made under it* until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose *or in*

case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted, *and if the plaintiff does not recover in any such action more than the amount so tendered* he shall not recover *any costs incurred after such tender* by the person to whom such notice has been given, *and the defendant shall be entitled to costs as from the date of tender.*

(4) Where the defendant in any such suit is the *commissioner*, a municipal officer or servant, payment of the sum or any part of any sum, payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the standing committee, from the municipal fund.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

417. *Subject to the provisions of section* 75, the *commissioner may*—

(*a*) *take, or withdraw from, proceedings against any person who is charged with*—

(i) *any offence against this Act, the rules, by-laws or regulations;*

(ii) *any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;*

(iii) *committing any nuisance whatsoever;*

(*b*) *compound any offence against this Act, the rules, by-laws or regulations which may be compounded;*

(*c*) *defend himself if sued or joined as a party in any proceeding in respect of the conduct of elections or in respect of the electoral roll;*

(*d*) *defend, or compromise any appeal against an assessment or tax;*

(*e*) *take, withdraw from or compromise proceedings under sections 407, 410, and 415 for the recovery of expenses or compensation claimed to be due to the corporation;*

(*f*) *withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the commissioner, or with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees;*

(*g*) *with the approval of the council, defend any suit or other legal proceeding brought against the corporation or against*

any municipal authority, officer or servant, in respect of anything done or omitted to be done by them, respectively, in their official capacity;

(h) with the approval of the standing committee, compromise any claim, suit or legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;

(j) with the approval of the standing committee, institute and prosecute any suit or withdraw from or compromise any suit or claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the corporation or of the commissioner;

(k) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the *council* or the standing committee to obtain, for any of the purposes *mentioned* in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant:

Provided that the commissioner shall not defend any suit or legal proceeding under clause (g) without first taking legal advice with regard thereto, and shall institute and prosecute any suit which the council shall determine to have instituted and prosecuted.

Protecting clauses.

Indemnity to municipal authorities, officers and agents.

418. No suit shall be maintainable against any municipal authority, officer, or servant or any person acting under the direction of any municipal authority, officer or servant, or of a magistrate, in respect of anything lawfully and in good faith done under this Act or any rule, by-law, *regulation* or order made under it.

Liability of Commissioner and Councillors for loss, waste or misapplication.

419. *The commissioner and every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal corporation, if such loss, waste, or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the Council or by the Secretary of State for India*

Effect of informalities.

420 (1) *Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, summons, warrant or other document issued under this Act or the rules or by-laws made under it may at any time as far as possible be rectified.*

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, summons, warrant or other document invalid or illegal, nor to render any person executing or serving any such document a trespasser, if the provisions of this Act, the rules and by-laws have in substance and effect been complied with.

(3) No act of the municipal executive, or of a municipal officer or servant shall be deemed to be invalid or illegal by reason only of a defect in the constitution of the corporation or in any election or appointment:

Provided always that any person who sustains any special damage by reason of any informality, irregularity, clerical error, omission, or other defect shall be entitled to recover compensation for the same by suit in a court of competent jurisdiction.

Police.

Duties of police officers.

421. It shall be the duty of *every police officer*—

(a) to communicate without delay to the proper municipal officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, by-law or regulation made *under it*,

(b) to assist the *commissioner* or any municipal officer or servant, *or any person to whom the commissioner has lawfully delegated powers* reasonably demanding his aid for the lawful exercise of any power vesting in the *commissioner* or in such municipal officer or servant *or person* under this Act or any such rule, by-law or regulation,

(c) to assist any person employed in the collection of tolls in case of resistance to the lawful authority of such person; and for that purpose *he* shall have the same power which *he has* in the exercise of *his* ordinary police duties.

Power of police officers to arrest persons.

422. (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule, by-law *or regulation* made *under it*, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(*a*) after his true name and address are ascertained, or

(*b*) without the order of a magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest than is necessary for bringing him before a magistrate.

Exercise of powers of police officer by municipal servants.

423. The *Governor in Council* may empower any municipal servant or any class of municipal servants to exercise the powers of a police officer for the purposes of this Act.

Miscellaneous.

Application of term "public servant" to municipal officers, gents and ub-agents.

424. Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, toll, or fee, and every person employed by any such contractor or agent for the collection of such tax, toll, or fee, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Prohibition against obstruction of municipal contractor.

425. No person shall obstruct or molest any person with whom the *commissioner* has entered into a contract on behalf of the corporation in the performance of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act or of any *rule*, by-law, *regulation* or order made *under it.*

Prohibition against removal of mark.

426. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Act or by any rule, by-law, *regulation* or order made *under it.*

Prohibition against removal or obliteration of notice.

427. No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate any notice exhibited by or under the orders of the corporation.

Prohibition against unauthorized dealings with public place or materials.

428. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on any land vested in the corporation or river, estuary, canal, backwater, or water course (not being private property), or in any way obstruct the same.

Transitional and transitory provisions.

Passing of property and rights to corporation as reconstituted.

429. All property and all interests of *whatever* kind *owned by*, vested in or held in trust *by or* for the *corporation* with all rights of *whatever kind* used, enjoyed or possessed by the *corporation as constituted under the Madras City Municipal Act*, 1904, *shall pass to the corporation as constituted under this Act.*

Commencement of Act.

430. This Act shall come into force on such date as the *Governor in Council* may by notification direct:

Provided *that* the power to make or *approve* rules, *by-laws and regulations* may be exercised at any time after the publication of the *Governor-General's assent under section* 81 *of the Government of India Act*, 1915, and that any election or appointment *of councillors* or members of the standing committee under this Act or under the rules made *under this Act* may be held or made at any time after *such* publication, but no such election or appointment shall take effect until the commencement of the Act.

Provisions for first constitution of corporation under Act.

431. *In their application to the term of office and the election and appointment of councillors, members of the standing committee and the commissioner elected or appointed for the first time after the commencement of this Act, the provisions of this Act shall be read subject to the following modifications:—*

(a) the term of office of the President, of the other commissioners, and of the members of the standing committee holding office under the Madras City Municipal Act, 1904, shall expire on such date or dates after the commencement of this Act as the Governor in Council shall determine; and the Governor in Council shall make appointments and cause arrangements for election to be made under this Act so that the newly elected and appointed councillors may come into office on the date fixed for the retirement of the former commissioners, the new standing committee within fifteen days after the date fixed for the retirement of the former standing committee, and the commissioner appointed under this Act on the date fixed for the retirement of the President appointed under the Madras City Municipal Act, 1904, such date not being later than the date fixed for the retirement of the remaining commissioners holding office under the Madras City Municipal Act, 1904; and

(b) on or as soon as may be after the constitution of the council under this Act a meeting shall be held on a day and at a time fixed by the commissioner, and, if not held on that day, shall be held on some subsequent day fixed by the commissioner, for the election of a President of the Council, and of a standing committee under this Act, and for ascertainment by lot (or if the Governor in Council so directs, otherwise than by lot) of eight divisional seats to be vacated at noon on the first day of November of the year in which the council is constituted

under this Act, and of eight more such seats to be vacated on the first day of November of the next year; and the councillors elected for the sixteen seats so ascertained or councillors elected in their places in casual vacancies shall, notwithstanding anything in section 61, hold office only until the next, or as the case may be, next but one first day of November after the constitution of the council under this Act, and

(c) the first meeting of the standing committee elected for the first time under this Act shall be held on a day and at a time fixed by the commissioner, and the members of such committee shall hold office until a new committee is elected under section 19.

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432. All arrears of taxes or other payments by way of composition for a tax *or due for expenses or compensation or otherwise* due to the corporation at the time this Act comes into *force* may be recovered as though they had accrued under this Act.

SCHEDULE I.

ENACTMENTS REPEALED.

(See Section 2.)

Year. (1)	Number. (2)	Short title. (3)	Extent of repeal. (4)
		Acts of the Governor of Fort St. George in Council.	
1904	*III*	*The Madras City Municipal Act, 1904* ..	*The whole.*
1907	*IV*	*The Madras City Municipal Act (Amendment Act), 1907.*	*Do.*
1911	*II*	*The Madras City Municipal Act (Amendment Act), 1911.*	*Do.*

SCHEDULE II.

RULES REGARDING PROCEEDINGS OF THE COUNCIL AND COMMITTEES.

(See section 32.)

THE COUNCIL.

1. *For the purposes of rules 2, 3, 4 and 5 in this schedule the word "President" shall be deemed to mean—*

(*a*) *the chairman of the standing committee if the office of President is vacant, and*

(*b*) *the commissioner if the offices of President and chairman of the standing committee are both vacant.*

2. *A general meeting of the council* shall be held at the municipal office every month *on such day and at such hour as the President shall fix.*

3. The President shall cause notice of every general meeting and of the business to be transacted thereat to be published in the *Fort St. George Gazette* and in the local newspapers at least six days before *the day of* the meeting, *but it shall be competent to him for good and sufficient reasons to alter the day or hour of the meeting at any time before the day originally fixed, provided that he shall intimate the alteration to the councillors and publish it in such manner as he may deem most expedient.*

4. At each of the general meetings held in the months of April, June, August, October, December and February, the President shall place before the council a statement of receipts and disbursements on account of the municipal fund from the close of the last preceding year up to the close of the month before that in which the meeting takes place.

5. (1) The President may call a special meeting of the *council* at the municipal office, whenever he thinks fit, *and shall call such a meeting on receiving* a request in writing signed by ten *councillors* specifying *a resolution which it is proposed to move.*

(2) No *special* meeting shall be held unless at least four days' notice, specifying the purpose for which such meeting is to be held and the *date and hour* thereof, has been given by a *separate communication* addressed to each *councillor and by publication in* the local newspapers.

6. (1) All acts authorised to be done and all questions authorised to be decided by the *council* shall, save as otherwise provided *in this Act*, be done or decided by a majority of the councillors present and voting at a meeting.

(2) The President *or presiding councillor* shall in case of equality of votes have a second or casting vote.

7. (1) No business shall be transacted at any meeting unless there is a quorum.

(2) *Ten* councillors at a general meeting and *twelve* at a special meeting shall constitute a quorum.

8. (1) Minutes of the proceedings *of the council* shall be entered in a book to be called the minute-book, and shall be signed by the President or presiding *councillor* after each meeting.

(2) The minute-book shall be open at the municipal office at all reasonable times to the inspection of any *councillor* without payment and to the inspection of any other person on payment of a fee of eight annas.

9. (1) The *council* may appoint from among their own number committees for the purpose of inquiring into and reporting on any matter which is reserved by this Act for the decision of the *council* and which is not at the time under the consideration of a sub-committee appointed under section 22.

(2) *By a resolution supported by not less than half the whole number of councillors, the council may add to any committee so appointed persons who are not councillors, but who may possess special qualifications in regard to the matter to be inquired into. Provided that the number of persons so appointed shall not exceed one half of the number of councillors appointed to serve on the committee.*

(3) The proceedings of every such committee shall be recorded in writing and submitted to the *council.*

THE STANDING COMMITTEE.

10. *An ordinary meeting of the standing committee shall be held* at the municipal office at least twice every month *on such day and at such hour as the committee shall from time to time determine.*

11. On receiving a requisition signed by *the commissioner or by* three members of the committee, *and stating the business to be transacted, the chairman of the committee* shall call a special meeting *within forty-eight hours and shall fix the time of such meeting.*

12. No business shall be transacted at any meeting of the standing committee unless there is a quorum *of four*.

13. All questions shall be decided by a majority of the members present and voting, *the presiding member having* a second or casting vote *when there is an* equality of votes.

14. Any member of the standing committee, *other than the President of the council*, who fails to attend four consecutive ordinary meetings, shall cease to be a member of the standing committee, *but* may be re-elected by the *council* at any meeting.

SCHEDULE III.

AREAS AND BOUNDARIES OF THE ESPLANADE.

(*See section* 77.)

The Esplanade means the following three areas of which the boundaries are as follow :—

1*st*, *The Monument Esplanade* (excluding Popham's Esplanade road).—Bounded *on the north* by straight lines drawn from stone to stone, between M.D. Zone Mark No. 27, on the North Beach road, opposite to the High Court and a point, 165 feet westward, from Mark No. 24 in the straight lines between Zone Marks Nos. 24 and 23, where it crosses the western compound wall of the Ordnance line abutting on Irusappa Maistri street; *on the south* by Fraser's Bridge road and North Fort side road; *on the east* by North Beach road; and *on the west* by Irusappa Maistri street.

2*nd*, *The Benfield Esplanade* (excluding Moore's road and Esplanade footpath).—Bounded *on the north* by Fraser's Bridge road; *on the south* by the General Hospital road; *on the east* by the Wallaja or Benfield Esplanade road; and *on the west* by Nainiappa Naick street or Memorial Hall road.

3*rd*, *The Medical College Esplanade.*—Bounded *on the north* by the General Hospital road; *on the south* by the river Cooum; *on the east* by the Wallaja road; and *on the west* by the Medical College.

SCHEDULE IV.

TAXATION RULES.

(*See section* 152.)

PART I.

Assessment of the Property Tax.

(See sections 111—121.)

1. *The commissioner shall prepare and maintain property-tax registers in such form as he sees fit, provided that such registers shall record the following particulars, in so far as they can be ascertained, with regard to each assessable item :—*

(*a*) The *serial* number, description and name (*if any*) *of the item ;*

(*b*) the name of the division and of the street, if any, in which *it* is situated ;

(*c*) the name of the owner ;

(*d*) the name of the occupier ;

(*e*) the annual value ; and

(*f*) the amount of the tax payable ;

and shall otherwise be kept in such form and in such parts or sections as the commissioner sees fit.

2. (1) When *the registers are* complete in respect of any division or part of a division, the *commissioner* shall give public notice *stating* where, and between what hours, such *registers* may be inspected.

(2) The owner or occupier of any land or building included in such *registers* or the agent of *any* such owner or occupier shall be permitted to inspect the said *registers* and to *take* extracts therefrom free of charge, and any other person shall be permitted to inspect the said *registers* and to *take* extracts therefrom on payment of a fee of one rupee on each occasion.

3. The *commissioner* shall amend the *property-tax registers* by altering, *adding or deleting items as circumstances may require.*

4. In every case in which any building or land is assessed for the first time, the *commissioner* shall give the owner or occupier special notice of the *assessment.*

5. *In every case in which the assessment on any building or land is increased, otherwise than in consequence of the enhancement by the council of the rate at which the property tax is leviable, the commissioner shall give the owner or occupier special notice stating the amount of the increase and the reasons therefor.*

6. *When the commissioner makes an amendment under rule* 3, *it shall be deemed to have taken effect from the earliest date in the current year on which the circumstances justifying the amendment existed ; no instalment of the property tax at the revised rate shall, however, be payable until fifteen required days after the service or sending of the notice required by rule 4 or rule 5.*

PART II.

Assessment of Companies.

(See section 122.)

7. *Companies shall be assessed by the commissioner on the following scale :—*

Paid-up capital. *Lakhs of rupees.*	Half-yearly tax. RS.
A. More than twenty	*500*
B. More than ten, less than twenty	*250*
C. More than five, less than ten	*125*
D. More than three, less than five	*75*
E. More than two, less than three	*50*
F. More than one, less than two	*25*
G. Less than one	*15*

Provided that any company, the head office or a branch or principal office of which is not in the city and which shows that its net income received in or from the city has not in the year immediately preceding the year of taxation exceeded—

	RS.
(*a*) *twenty-five thousand rupees shall pay only*	*125*
(*b*) *fifteen thousand rupees shall pay only*	*75*
(*c*) *five thousand rupees shall pay only*	*25*

and that if such company shows that such net income has not exceeded two thousand and five hundred rupees such company shall be exempt from taxation.

Assessment for Profession Tax.

(See section 123.)

8. Persons shall be assessed by the commissioner to the profession tax under the following classes on a scale to be determined by the council from time to time :—

Provided that such scale shall be subject to the maximum and minimum specified against each class and shall proceed proportionately either to the maximum or the minimum scale :—

TAX ON PERSONS HOLDING APPOINTMENTS OR EXERCISING PROFESSIONS, ARTS, TRADES AND CALLINGS.

	Half-yearly. Maximum. RS. A.	Minimum. RS. A.
Class I.		
(1) All persons holding any appointment upon a monthly salary of thousand rupees or upwards ...	500 0	350 0
(2) All other persons exercising any profession, trade, art or calling, or their agents or servants in their absence		

	Half-yearly. Maximum.		Minimum.	
	RS.	A.	RS.	A.
Class II.				
(1) All persons holding any appointment upon a monthly salary which amounts to three thousand but is less than five thousand rupees ... ... (2) All other persons described in class I, but not assessed under class I	300	0	210	0
Class III.				
(1) All persons holding any appointment upon a monthly salary which amounts to two thousand but is less than three thousand rupees ... ... (2) All other persons described in class I, but not assessed under class I or II	200	0	140	0
Class IV.				
(1) All persons holding any appointment upon a monthly salary which amounts to one thousand but is less than two thousand rupees .. .. (2) All other persons described in class I, but not assessed under any of the previous classes ...	90	0	60	0
Class V.				
(1) All persons holding any appointment upon a monthly salary which amounts to seven hundred and fifty but is less than one thousand rupees. (2) All other persons described in class I, but not assessed under any of the previous classes ...	45	0	30	0
Class VI.				
(1) All persons holding any appointment upon a monthly salary which amounts to five hundred but is less than seven hundred and fifty rupees. (2) All other persons described in class I, but not assessed under any of the previous classes ..	30	0	20	0
Class VII.				
(1) All persons holding any appintment upon a monthly salary which amounts to two hundred but is less than five hundred rupees ... ... (2) All other persons described in class I, but not assessed under any of the previous classes ...	12	0	8	0
Class VIII.				
(1) All persons holding any appointment upon a monthly salary which amounts to one hundred but is less than two hundred rupees ... . (2) All other persons described in class I, but not assessed under any of the previous classes ...	5	0	4	0
Class IX.				
All hotel-keepers, lodging, boarding or eating or refreshment-house keepers and shop-keepers not assessed under any of the previous classes	1	0	0	8

9. *A person shall be deemed to have exercised a profession, art, trade or calling or held an appointment for the prescribed period if his principal office or place of employment is within the city and his connexion therewith has lasted for the prescribed number of days.*

10. (1) *The commissioner may classify all persons liable under rule* 8, *but not in receipt of a fixed salary or remuneration, on general considerations with reference to the nature and reputed value of their business, the size and rental of residential and business premises, the quantity of articles*

dealt with, the number of persons employed and the income-tax paid to Government. The commissioner shall not call for accounts of any assessee, but any person may produce his accounts to show that the net income derived by him from the exercise of his profession, art, trade or calling within the city falls below the lowest limit of salary entered at the head of the class in which the commissioner has placed him and the commissioner shall revise the assessment if satisfied that the person should be placed in a different class.

(2) *The commissioner may exempt any person falling within the ninth class on the ground of his poverty.*

Part III.

Tax on Carriages and Animals.

(See section 128.)

11. (*a*) *The tax on carriages and animals shall be levied at half-yearly rates not exceeding those shown in the following table :—*

	Half-yearly instalment. RS.	A.	P.
For every four-wheeled *motor*-vehicle *of not less than 40 horse-power*	75	0	0
For every four-wheeled motor-vehicle of 25 horse-power, but less than 40 horse-power	50	0	0
For every four-wheeled motor-vehicle of 12 horse-power, but less than 25 horse-power	35	0	0
For every four-wheeled motor-vehicle of less than 12 horse-power ...	25	0	0
For every four-wheeled *carriage constructed to be* drawn by two or more horses *of thirteen hands or over*	15	0	0
For every four-wheeled *carriage constructed to be* drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, or by two or more bulls or bullocks	7	8	0
For every *four*-wheeled *carriage constructed to be* drawn by one or more horses, bulls or bullocks	4	8	0
For every *motor* tricycle *and every motor* bicycle *with side-car* ...	15	0	0
For every motor bicycle without side-car	10	0	0
For every other bicycle or tricycle	2	0	0
For every other *carriage not being a child's perambulator or go-cart*	3	0	0
For every elephant	12	0	0
For every camel	6	0	0
For every horse *or mule* of thirteen hands *or over*	7	8	0
For every horse *or mule* under thirteen hands, *but not under eleven hands*	3	12	0
For every horse *or mule* under eleven hands	1	8	0
For every bull or bullock	0	12	0
For every male buffalo	0	12	0
For every ass	0	6	0
For every dog	0	12	0

(*b*) *For the purpose of classification under clause* (*a*) *the horse-power of a motor-vehicle shall, in case of doubt, be determined by the commissioner.*

(*c*) *If, within the half-year, a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in clause* (*a*), *he shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which he has kept such carriage or animal during the half-year.*

PART IV.

Tolls.

(See section 141.)

12. (*a*) *Tolls shall be levied at the rates shown in the following table :—*

	RS.	A.	P.
On every four-wheeled *motor*-vehicle *fitted with pneumatic tyres and seating less than ten persons*	0	12	0
On every other four-wheeled motor-vehicle	1	8	0
On every four-wheeled *carriage*	0	4	0
On motor tricycles and on motor bicycles with side-cars	0	6	0
On motor bicycles without side-cars	0	4	0
On every other *carriage*	0	2	0
On every cart, laden	0	2	0
On every cart, not laden	0	1	0
On every buffalo, bull or bullock, laden	0	0	6
On every horse *or mule* of thirteen hands or over, laden or ridden.	0	1	0
On every horse *or mule* of thirteen hands or over not laden or ridden	0	0	6
On every horse *or mule* under thirteen hands, or ass, laden or ridden	0	0	6
On every elephant	0	8	0
On every camel	0	1	0

(*b*) *Payment of a toll in respect of any vehicle covers the animals engaged in drawing it.*

(*c*) *An animal shall not be classed as laden when it is merely accoutred for being laden or ridden.*

(*d*) Not more than a single payment of toll may be demanded in respect of any vehicle or animal during any one period of twenty-four hours counted from midnight to midnight.

PART V.

Terminal Tax.

(See section 146.)

13. *The terminal tax on railway passengers shall be levied on their tickets at rates not exceeding those shown in the following table :—*

—	*Single.*	*Return.*	*Season.*
For first class tickets	*2 annas.*	*4 annas.*	*1½ rupees per mensem.*
For second or intermediate class tickets ..	*1 anna.*	*2 annas.*	*12 annas per mensem.*
For third-class tickets	*6 pies.*	*1 anna.*	*6 annas per mensem.*

PART VI.

Revision of Assessment.

(See section 152.)

14. Any *assessee* who is dissatisfied with *the assessment of any tax, or toll under this Act other than the transfer duty may make an application in writing to the commissioner for the revision of such assessment* stating the grounds of his objection *thereto.*

15. No application for revision under *rule* 14 shall be *admitted*—

(*a*) unless *the* application has *reached* the municipal office—

(i) in the case of the property-tax, within fifteen days from *the publication of the public notice referred to in rule* 2 *or from the receipt of the special notice referred to in rule* 4 *or rule* 5, *and in the case of companies' and profession taxes, within fifteen days from the date of service of the notice prescribed by section* 125 *and*

(ii) in the case of any other tax, or toll, within seven days from the date of demand ; *and*

(*b*) unless the tax, *or toll* has been paid :

Provided that the *commissioner* may *at his discretion* admit *any* application without prepayment of the tax, and shall do so when the amount of the tax does not exceed five rupees.

Explanation.—In the case of a tax leviable by half-yearly instalments the requirements of clause (*b*) *shall be deemed to have been satisfied if the instalment for the current half-year has been paid.*

16. (*a*) *If the commissioner is unable himself to settle the matter to the satisfaction of the applicant*, the application shall be heard and decided by the *commissioner* and two *councillors* summoned by him *for the purpose.*

(*b*) The summons shall state the day and hour at which the attendance of the said *councillors* is required, and they shall be bound to attend in accordance therewith.

(*c*) Each of the *councillors* so summoned shall be entitled to a fee of ten rupees for every day's attendance.

(*d*) The decision under *clause* (*a*) shall be the decision of the majority.

17. (*a*) *An appeal shall lie to the small cause court against any decision under rule* 16, *but no such appeal shall be heard by the said court, unless*—

(i) a notice of intention to appeal *has been* given to the *commissioner* within seven days from the date of *the* decision, and

(ii) the petition of appeal has been presented and the tax, or toll has been paid within fourteen days from the date of the decision.

(*b*) *The* notice *of intention to appeal* shall state the name, occupation and residence of the appellant or of his attorney or vakil (if any) and the grounds of appeal.

(*c*) *The appellant shall not, except with the leave of the court, urge or be heard in support of any ground of objection* which has not been set forth in *his notice of intention to* appeal.

18. *The court may direct who shall bear the cost of appeals under the above rule.*

19. *The small cause court* may, if *it* thinks fit, state a case on any appeal for the decision of the high court and shall do so whenever a question of law is involved, if either the *commissioner* or the appellant applies in writing in that behalf within fifteen days *from the decision of the small cause court* and deposits such sum as the *small cause court* thinks necessary to defray the cost of the reference.

20. (*a*) The high court may pass such order as they think fit on a reference under *rule* 19.

(*b*) Upon production of a copy of the order passed under *clause* (*a*) *the small cause court* shall proceed to dispose of the case in conformity with the terms of the order, and may direct *who shall bear* the costs of the appeal and reference.

(*c*) In the event of the amount of any tax, *or toll* being *reduced* or remitted, the commissioner shall grant a refund accordingly.

21. *Subject to the result of any application appeal or reference made as hereinbefore provided*, the assessment of any tax, or toll shall be final.

Part VII.

Collection of taxes, and tolls.

(See section 152.)

22. (*a*) *In the case of every assessment to the property tax or the tax on carriages and animals the commissioner* shall cause a bill to be served on or sent to the person liable for the *tax*.

(*b*) In the case of the companies' and profession tax the notice given under section 125 of the Act shall be deemed the notice or bill requiring to be served under these rules.

(*c*) *In the case of any assessment to any other tax or toll leviable under this Act,* the *commissioner may* cause a bill to be served on the person liable for *the tax, or toll, as the case may be.*

23. Such bill shall contain—

(*a*) particulars of the demand;

(*b*) notice of the liability incurred in default of payment; and

(*c*) notice of the time within which any application for revision *or any appeal* may be preferred.

24. If within fifteen days from the serving or sending of such bill the tax, *or toll* is not paid, and the *omission to pay* is not *accounted for* to the satisfaction of the *commissioner*, the tax, *or toll together* with all costs may be levied under a warrant *issued by the commissioner*—

(i) by distress and sale of the movable property of the defaulter, or

(ii) if the defaulter is the occupier of any building or land in respect of which *a* tax is due, by distress and sale of any *movable* property which may be found in or on such building or land:

Provided always that movable property of the kinds described in the proviso to section 60 *of the Code of Civil Procedure,* 1908, *shall not be liable to distraint.*

25. Under a special order in writing of the *commissioner* any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to females, until he has given three hours' notice of his intention and has given such females an opportunity to remove *themselves.*

26. The officer charged with the execution of a warrant of distress shall make an inventory of the property seized and shall at the same time give notice of sale to the person in possession of the said property at the time of seizure.

27. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the sum due by the

defaulter, together with all expenses incidental to the warrant, *distraint*, detention and sale.

28. (*a*) If the warrant is not discharged within the time mentioned in the notice of sale, the property seized or a sufficient portion thereof may be sold by public auction under the orders of the *commissioner* who shall apply the proceeds, or such part thereof as may be necessary, in payment of the sum due, *including* all expenses *incidental to the warrant, distraint, detention and sale.*

(*b*) If the property seized is perishable, or if the expense of keeping it will, together with the amount of the tax, *or toll* due, exceed the value of *the property* the *commissioner* shall *forthwith* sell the property after giving notice of sale to the person in possession at the time of seizure.

(*c*) The surplus, if any, shall be paid to the person in possession at the time of seizure if application is made within twelve months from the date of sale; if no application is made, the surplus shall be forfeited to the corporation.

(*d*) *Neither the commissioner nor* any municipal officer *or servant* shall directly or indirectly purchase any property at any such sale.

29 (*a*) Fees shall be *leviable* on distraints under this Act *with reference to the value of the property distrained and* according to the rates specified in the *following table*:—

Value of property.	Amount of fee. RS.	A.	P.
Under five rupees	0	4	0
Five and under ten rupees	0	8	0
Ten and under fifteen rupees ...	0	12	0
Fifteen and under twenty rupees ..	1	0	0
Twenty and under twenty-five rupees	1	4	0
Twenty-five and under thirty rupees	1	8	0
Thirty and under thirty-five rupees	1	12	0
Thirty-five and under forty rupees	2	0	0
Forty and under forty-five rupees...	2	4	0
Forty-five and under fifty rupees...	2	8	0
Fifty and under sixty rupees ...	3	0	0
Sixty and under eighty rupees ...	3	12	0
Eighty and under one hundred rupees	4	8	0
One hundred rupees and upwards...	5	0	0

(*b*) *Fees levied under this rule are not intended to cover* the cost of maintaining any live-stock distrained.

(*c*) *The commissioner may at his discretion remit any fee wholly or in part.*

30. (*a*) The property of a *defaulter* may be distrained wherever *it* may be found *within the Presidency of Madras.*

(*b*) *If it is necessary to distrain property outside the limits of the city, the commissioner shall address his warrant to such public servant having local jurisdiction as the Governor in Council may by general or special order direct.*

(*c*) *Such public servant shall execute the warrant himself or cause it to be executed by some person subordinate to himself.*

(*d*) *Subject to the modifications set out in the following clauses, the provisions of rules 25 to 29 (both inclusive) shall apply to the execution of the warrant and the disposal of the sale-proceeds.*

(*e*) *For the purpose of action under rule 25 no special order in writing of the commissioner shall be required, but if the public servant to whom the warrant is addressed charges any subordinate with the execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.*

(*f*) *For the purpose of action under rule 28 the public servant to whom the warrant is addressed may, without further orders from the commissioner, sell or direct the sale of the property seized, and shall on completion of the sale transmit the proceeds to the commissioner, subject to such deduction, if any, as may be necessary to meet expenses incurred locally.*

(*g*) *It shall be unlawful for such public servant himself or for any person subordinate to him directly or indirectly to purchase any property at any such sale.*

31. If the *property tax due in respect of* any building or land remains unpaid after a bill has been duly sent to or served on the owner *thereof* the *commissioner* may demand *such sum* from the occupier of the said building or land, and, *in default of* payment thereof, may recover *it from him* in the manner provided *in rule 24*:

Provided that no arrears due from the owner for more than one year shall be so recovered from the occupier.

32. *Any person who*—

(1) *wilfully omits to pay any tax, or toll* within fifteen days from the date of service of a bill *for the same under rule* 22, *or*

(2) *wilfully prevents distraint or sufficient distraint of property subject to distraint for any tax, or toll due from him,*

shall on conviction *by* a magistrate be

liable to a fine not exceeding twice the amount of the tax, *or toll* found to be due.

33. *Nothing hereinbefore provided shall preclude the corporation from suing in a civil court for the recovery of any tax, duty, toll or other amount due under this Act.*

PART VIII.

Miscellaneous.

(See section 152.)

34. The *commissioner* shall keep separate accounts of all moneys received and expended for any purpose connected with (*a*) *the water and drainage tax*, and (*b*) the lighting tax.

35. *For the purposes of parts* VI *and* VII *of these rules the expressions* "*tax*" *and* "*toll*" *include payments due by way of composition for a tax or toll, as the case may be.*

SCHEDULE V.

FINANCIAL RULES.

(*See section* 155.)

AUTHORIZED EXPENDITURE.

1. *The objects on which the municipal fund may be spent include those expressly declared obligatory by laws or rules, those which laws or rules expressly give the Corporation a discretion to undertake, and, in general, all matters necessary for, or conducive to the safety, health, convenience or education of the citizens of Madras or the amenities of the city and all matters incidental to the administration.*

2. *The objects of expenditure connected with the public safety include the following :—*

(*a*) Lighting of public streets *and the provision, purchase, exploitation and maintenance of gas, electric or other undertakings for lighting public and private streets, places and buildings ;*

(*b*) Extinction of fires ;

(*c*) Control, supervision or removal of dangerous places, buildings, trades and practices ;

(*d*) Regulation of traffic ;

(*e*) Prevention and removal of obstructions in streets or public places.

3. *The objects of expenditure connected with the public health include the following :—*

(*a*) The construction and maintenance of hospitals and dispensaries *and temporary places of reception within the city or without the city for the treatment of infectious diseases occurring in the city ; building hospitals and dispensaries and places of reception for the sick in general ; contributing towards hospitals, dispensaries or places of reception provided by the local Government ; contracting for the use of a hospital or part of a hospital, dispensary, or place of reception ; combining with any other local authority or with the Local Government to provide a common hospital, dispensary or place of reception ; sending indigent inhabitants of the city to institutions outside the city for treatment ;* the training of *health officers*, medical subordinates, *sanitary inspectors and analysts ; the training of nurses and the provision of nurses for attendance on patients suffering*

from infectious diseases at the houses of such persons; vaccination and the training and supervision of vaccinators *and the provision of lymph;* the registration of births, deaths *and marriages;* the enumeration of the inhabitants of the city; and other measures of a like nature;

(*b*) The construction, *establishment,* maintenance, supervision and control of public markets and slaughter-houses; of latrines; of drains and drainage works; of sewage farms; of tramways and other works for the removal of sewage; of water works, drinking fountains, tanks and wells; *of wash houses or dhobykhanas;* of parks, squares and gardens; the acquisition of land necessary for any of these purposes; the reclamation of unhealthy localities; and other sanitary measures of a like nature;

(*c*) The cleansing and watering of streets and drains; scavenging; the removal of excessive or noxious vegetations; the abatement of all nuisances;

(*d*) The regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning grounds *and crematoria;* and the provision of sites for and the closing of burial and burning grounds; *the provision of new sites for offensive and dangerous trades and of special locations for factories; the acquisition of congested areas and the provision of new sites to relieve congestion or to provide for the growth of population; improvement and reclamation of land, planning, surveying and control of town extensions, whether within or without the municipal limits, re-distribution of sites in such extensions, and all measures of a like nature.*

4. *The objects of expenditure connected with the public convenience, amenities and education include:—*

(*a*) The construction, maintenance, *diversion and improvement* of streets, bridges, causeways, culverts and the like *and the acquisition of land necessary for buildings to form or improve streets;* the regulation of building; *the construction of model dwellings;* the removal of projections *and encroachments;* the naming of streets; the numbering of houses; the planting and preservation of trees in public streets and places; *the maintenance of public monuments;*

(*b*) The construction, maintenance, alteration and adornment of public halls *and theatres,* the *acquisition and maintenance of recreation grounds, playing-fields and promenades;*

(*c*) *Subject to all provisions of law the construction, maintenance, purchase or exploitation of tramways and other transport services, railways not included, of telephone systems, grass farms, dairies, public bakeries and other industrial concerns of public utility, whether within or without the municipal limits, and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concerns;*

(*d*) *The employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of sick animals, and the prevention of cruelty to animals;*

(*e*) *The provision and maintenance or holding of zoological and horticultural gardens and exhibitions;*

(*f*) *The provision and maintenance of public* libraries *and reading-rooms, museums, art galleries, gymnasia or any other institutions connected with the diffusion of mental or physical culture;*

(*g*) *The provision and maintenance of public baths and bathing places;*

(*h*) *The provision of music for the people;*

(*i*) *The provision and maintenance of public clocks and clock-towers or of a time gun;*

(*j*) The construction *and maintenance* of school houses;

(*k*) Primary education;

(*l*) Technical education;

(*m*) The training of teachers;

(*n*) *The provision of standard weights, scales and measures, and of public weighing-places;*

(*o*) *The holding of industrial exhibitions or fairs or of exhibitions connected with municipal administration, sanitation and the public health;*

(*p*) *The provision and maintenance of rest-houses, choultries,* alms houses, *poor houses, pounds and other works of public utility.*

5. *The objects of expenditure incidental to the administration include—*

(*a*) *The provision and maintenance of a principal municipal office and record room and of other offices with the cost of appurtenances and fittings and insurance;*

(*b*) *Salaries, allowances, liveries, pensionary and provident fund contributions, gratuities and pensions, and the cost or hire of vehicles for the commissioner and the municipal officers and servants; study leave*

allowances of professional officers and subordinates ; sending municipal servants to the Pasteur Institute, Coonoor, for treatment ;

(c) Stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the councils ;

(d) Legal expenses ;

(e) The expenses of conducting elections;

(f) Auditors' fees ;

(g) Fees payable to councillors under rule 16 of schedule IV ;

(h) The provision and maintenance of municipal workshops ;

(i) Municipal surveys, the preparation of maps of the city and of proposed extensions ;

(j) The preparation and maintenance of a record of rights in immovable property.

6. *Expenditure on the following objects is obligatory :—*

(a) The principal municipal office and record room ;

(b) Maintenance of public property and monuments vested in the corporation ;

(c) Maintenance of property owned by the corporation ;

(d) Salaries and pensionary and provident fund contributions, gratuities and pensions of the commissioner and the municipal officers and servants according to the conditions on which such persons entered municipal service ;

(e) The expenses of conducting elections;

(f) The drainage system ;

(g) The water-supply system ;

(h) The lighting of the public streets ;

(i) Preventing the spread of dangerous diseases ;

(j) Scavenging ;

(k) Burial and burning grounds ;

(l) Census when ordered to be taken by the local government ;

(m) Registration of births and deaths ;

(n) Vaccination ;

(o) Extinction of fires ;

(p) Provision of slaughter-houses ;

(q) Payment of interest on and amortization of debt ;

(r) All other objects declared obligatory by law or rule.

7. *With the previous sanction of the Governor-General in Council the council may—*

(a) upon any of the public streets in Madras, or upon any land in or without Madras which is vested in the council, construct or maintain any railway which may appear to the council to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,

(b) use and employ upon any such railway locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby,

(c) carry and convey passengers and goods upon any such railway,

(d) make such reasonable charges in respect of such passengers or goods as the council may from time to time determine,

(e) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway in or without Madras,

(f) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and

(g) lease any such railway to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon.

Note.—The term "railways" in this rule does not include "tramways".

8. If the expenditure incurred by any *other local* authority *in the Presidency of Madras* for any purpose described *in these rules* is such as to benefit the inhabitants of the city *the commissioner* may, with the sanction of the *council*, contribute towards such expenditure.

9. The *commissioner* may, with the sanction *of the council, contribute* towards the expenses of any public exhibition, ceremony or entertainment in the city.

10. *The commissioner may, with the sanction of the council, defray the cost of the preparation and presentation of addresses to persons of distinction visiting the city.*

11. *The commissioner may, with the sanction of the council and of the Governor in Council, contribute to any fund for the defence of the city, India or the empire, to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease.*

Receipts and Payments.

12. All moneys received by the corporation shall be lodged in the Bank of Madras or, with the sanction of the Governor in

Council, in any other bank, and shall be credited to an account entitled the "Municipal Fund *Account*" and may, with a like sanction, be invested in any one of the securities specified in section 20 of the Indian Trusts Act, 1882.

13. All orders or cheques against the *Municipal* Fund shall be signed by the *commissioner* or in his absence by the revenue officer, the health officer or the engineer if so authorized by the *commissioner* in that behalf, and the bank *in which the fund is lodged shall, so far as the funds to the credit of the corporation admit, pay* all orders or cheques against the fund which are so signed.

14. The payment of any sum due by the corporation exceeding one hundred rupees shall be made only by means of a cheque.

15. The payment of any sum out of the municipal fund *may* be made or authorized by *the commissioner if such* sum is covered by a *budget-grant* and a sufficient balance of such *budget*-grant is available.

16. *The payment of any sum out of the municipal fund may be made or authorized by the commissioner in the absence of budget provision in the case of—*

(*a*) refunds of taxes and other moneys authorized by *law, rule, by-law or regulation ;*

(*b*) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) costs incurred by the *commissioner in the* exercise of *his* powers *under section* 10 *of the Act*;

(*d*) sums payable under section 45, sub-section (1), clause (*c*), and section 167, sub-section (2) *of the Act;*

(*e*) sums payable under a decree or order of a civil court passed against the corporation or under a compromise *of* any suit or legal proceeding or claim or paid into court;

(*f*) any sum which the *commissioner* is required *by law, rule, by-law or regulation* to pay by way of compensation or expenses;

(*g*) the salary payable to a special health officer appointed under section *95 of the Act;*

(*h*) expenses incurred by the *commissioner under section 351, sub-section (3),* and expenses *lawfully* incurred in anticipation of recoupment from a person liable under *any provision of law ;*

Provided that the commissioner shall forthwith communicate the circumstances to the standing committee *which* shall take *any* action *that may* in the circumstances be *necessary* or expedient *to cover any expenditure not covered by a budget grant.*

17. *The commissioner shall not overdraw.*

Audit, Surcharge and Disallowance.

18. *The auditors appointed under section 154 shall maintain and keep a continuous audit of the municipal accounts.*

19. *The commissioner shall submit all accounts to the auditors as required by them.*

20. *The auditors may—*

(*a*) *by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts ;*

(*b*) *by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them ;*

(*c*) *require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.*

21. The auditors shall—

(*a*) report to the standing committee any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the corporation or in the municipal accounts ;

(*b*) furnish to the standing committee such information as the said committee may require concerning the progress of their audit ;

(*c*) *report to the standing committee any loss or waste of money or other property owned by or vested in the council caused by neglect or misconduct, with the names of persons, directly or indirectly responsible, for such loss or waste ; and*

(*d*) submit to the standing committee a final statement of the audit and a duplicate copy thereof to the Governor in Council within a period of three months from the end of the financial year, or within such other period as the Governor in Council may notify.

22. The standing committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the council.

23. (1) *The auditors shall disallow every item contrary to law and surcharge the same on the person making or authorizing the making of, the illegal payment; and shall charge against any person responsible therefor, the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.*

(2) *The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or allowance and furnish a copy thereof to the person against whom it is made.*

24. *Any person aggrieved by disallowance made may, within fourteen days after he has received or been served with the decision of the auditor, apply to the Court of Small Causes of Madras, notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882, to set aside such disallowance or surcharge and the court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance or surcharge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application any person so aggrieved may appeal to the Governor in Council who shall pass such orders as he thinks fit.*

25. *Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the commissioner within fourteen days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the court or to the Governor in Council against the decision; and such sum if not so paid, or such sum as the court or the Governor in Council shall declare to be due shall be recoverable on an application made by the Commissioner to the court in the same way as an amount decreed by the court.*

26. The corporation shall pay to the auditors out of the municipal fund such remuneration as the *Governor in Council* may determine.

FORM OF ACCOUNTS.

27. *The council shall make regulations, subject to the approval of the Governor in Council*, to provide for—

(*a*) the form in which the *budget* estimates, budget statements and returns of the corporation shall be *kept; and*

(*b*) the form in which the accounts of the corporation shall be kept.

SCHEDULE VI.

PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 303 BE USED WITHOUT A LICENCE.

(*See section* 303.)

Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever—

ammunition,
chemical preparations,
chlorate-mixture,
fire-works,
fulminate of mercury,
gas,
gun-cotton,
gun-powder,
lime,
matches,
nitro-compound,
nitro-glycerine,
nitro-mixture,
saltpetre,
sulphur,
blood,
bones,
camphor,
candles,
catgut,
cotton, cotton refuse, cotton seed,
fat,
fins,
fish,
hair,
hides,
hoofs,
horns,
leather,
manure,
meat,
offal,
oil,
oil-cloth,
pitch,
rags,
skins,
snuff,
soap,
sugar,
sugarcandy,
tallow,
tar,
turpentine,
wool,
cloths in indigo or other colours,
cocoanut fibre,
flax,
flour,
hemp,
jute,
paper,
rosin,
spirits,
surkhi.

Packing, pressing, cleansing, preparing or manufacturing by any process whatever—

pottery,
silk.

Manufacturing articles from which offensive or unwholesome smells, fumes, or dust arise.

Boiling camphor, paddy or oil.

Breaking iron and manufacturing articles out of iron.

Beating metals.

Casting metals; *gilding; electro-plating.*

Washing soiled clothes *and keeping soiled cloths for the purpose of washing them and keeping washed clothes.*

Manufacturing carpets.

Manufacturing bricks and tiles.

Manufacturing condiments.

Manufacturing or distilling sago.

Baking bread, biscuits or confectionery (for other than domestic use).

Manufacturing ice.

Manufacturing aerated waters.

Storing and packing onions and garlic.

SCHEDULE VII.

ORDINARY PENALTIES.

(*See section* 375.)

1		2	3
Section *or rule.*	Sub-section or clause.	Subject	Fine which may be imposed.
118 (New)	(1)	*Failure to give notice of transfer of title or to produce documents* ..	*Fifty rupees.*
119 (143)	..	Failure to send notice to *commissioner* after completion of construction or re-construction of building.	Fifty rupees.
121 (132)	(1)	Failure of owner or occupier to furnish return of rent, etc. ..	One hundred rupees.
126 (127)	..	Failure of owner or occupier to furnish list of persons liable to tax.	Do.
127 (128)	..	Failure of employer or his representative to furnish list of persons liable to tax.	Do.
132 (153, 154)	..	Failure of occupier to obey requisition to furnish statement of vehicles and animals liable to taxation *or furnishing incorrect statement, etc.*	Ten rupees.
134 (150)	(1)	Failure to obey order to affix and register number *of carriage* ..	Ten rupees.
136 (158)	(1)	Failure of owner to register cart	Ten rupees.
144 (New)	(3)	Failure to have *or keep* registration number affixed to cart ..	Ten rupees.
180 (198)	..	*Attempt to evade payment of toll*	*Fifty rupees.*
181 (New)	..	*Trespassing on premises connected with water-supply*	*Fifty rupees.*
182 (New)	..	*Failure to maintain house-connections in conformity with by-laws and regulations.*	*Fifty rupees.*
	(2)	*Failure to obey requisition to make house-connection*	*Fifty rupees.*
	(3)	*Occupying or allowing occupation of house without proper water-supply.*	*Fifty rupees.*
192 (227)	..	*Failure to maintain house drains, etc., in conformity with by-laws and regulations.*	*Fifty rupees.*
193 (New)	(2) & (3)	*Failure to obey requisition as to house-drainage*	*Fifty rupees.*
	(4)	*Occupying or allowing occupation of house without proper drainage* ..	*Two hundred rupees.*
194 (New)	1 (*b*)	*Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain.*	*Fifty rupees.*
198 (216)	..	Unlawful construction of building over public drain	One hundred rupees.
199 (217)	..	*Failure to obey requisition regarding culverts or to keep them free from obstruction.*	*Fifty rupees.*
200 (221)	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Fifty rupees.
202 (223)	(2)	Keeping of public latrine without licence	Fifty rupees.
	(3)	Allowing public latrine to be in unclean condition *or* improper order.	Fifty rupees.
203 (224)	..	Failure to obey requisition to provide latrine or to remove latrine to another site *and failure to keep latrines clean and in proper order.*	Fifty rupees.
204 (225)	..	Failure to provide latrines for premises used by large numbers of people *or to keep them clean and in proper order.*	*One hundred rupees.*
205 (226)	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand, *or to keep them clean and in proper order.*	*One hundred rupees.*
206 (224)	..	*Failure to construct latrines so as to screen persons using them from view.*	*Twenty rupees.*
208 (215, but wider).	..	*Making connection with mains without permission*	Two hundred rupees.
212 (293)	(1)	Failure of occupier to obey direction to collect rubbish *and filth* and deposit them in a box or basket *or other receptacle* of his own at or near premises.	Ten rupees.
	(2)	Failure to obey direction to collect rubbish *and filth* and deposit them in public receptacle.	Ten rupees.
	(3)	Failure to obey direction to collect rubbish *and filth* and deposit them in street or premises.	Ten rupees.
213 (294)	(*a*)	Failure to obey direction to collect and remove rubbish *and filth* accumulating on business premises.	Ten rupees.
219 (300)	(1)	Allowing rubbish *or filth* to accumulate on premises for more than twenty-four hours.	*Twenty rupees.*
	(2)	Irregular deposit of rubbish *or filth*	Ten rupees.
	(3)	Irregular removal of *rubbish or filth*	Twenty rupees.
	(4)	Deposit of rubbish *or filth* in unauthorized place	Twenty rupees.
	(5)	Keeping *rubbish or filth* for more than twenty-four hours, etc. ..	Ten rupees.
	(6)	Allowing *filth* to flow in streets	Twenty rupees.
226 (234)	..	*Building within regular lines of street without permission*	*One thousand rupees.*
232 (241)	..	Unlawful displacement, etc., of pavement or fences, posts, and other materials of public street.	Fifty rupees.
233 (243)	..	Unlawful making or laying of new street	Five hundred rupees.
235 (245)	..	Failure to obey requisition to metal, etc., private street	One hundred rupees.

1		2	3
Section *or rule.*	Sub-section or clause.	Subject.	Fine which may be imposed.
237 (247)	..	Building wall or erecting fence, etc., in a street	One hundred rupees.
238 (New)	..	*Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.*	*Twenty rupees.*
239 (248)	..	*Failure to remove permanent encroachment*	Two hundred rupees.
240 (249)	..	*Failure to remove temporary encroachments*	*Fifty rupees.*
242 (251)	..	Unlawful removal of bar, or shoring of timber, etc., or removal or extinction of light.	Fifty rupees.
243 (252)	(1)	Unlawful making of hole or placing of obstruction in street ..	Fifty rupees.
	(3)	*Failure to remove obstruction*	*Fifty rupees.*
244 (253)	..	Construction, etc., of building without licence where street or foot-way is likely to be obstructed.	Fifty rupees.
	..	Failure to fence, etc., such building while under repair	Fifty rupees.
245 (254)	(3)	Unlawful destruction, etc., of name of street	Twenty rupees.
246 (255)	(2)	Unlawful destruction, etc., of number of building	Twenty rupees.
	(3)	*Failure to replace number when required to do so*	*Twenty rupees.*
250 (262)	..	Construction of external roof, etc., with inflammable materials ..	Fifty rupees.
251 (263)	..	Construction of door or window, etc., to open outwards on public street.	Twenty rupees.
271 (285)	..	Failure to keep external walls of premises in proper repair ..	Twenty rupees.
275 (256)	..	Failure to obey requisition to take down, repair or secure *dangerous structure.*	Five hundred rupees.
276 (256)	..	*Failure to obey requisition to secure, lop, or cut down dangerous tree* ..	*Fifty rupees.*
277 (259)	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passengers or persons living in neighbourhood.	Fifty rupees.
278 (326, but wider).	..	*Failure to obey notice regarding precautions against fire*	One hundred rupees.
279 (New)	(1)	*Constructing well, etc., without permission*	*Fifty rupees.*
	(3)	*Failure to obey notice to fill in or demolish well, etc.*	*Fifty rupees.*
280 (New)	..	*Failure to obey requisition to stop dangerous quarrying*	*One hundred rupees.*
281 (302)	..	Failure to obey requisition to repair, etc., tank or well, *or drain off water, etc.*	Fifty rupees.
282 (301)	..	Failure to obey requisition to cleanse or close, etc., tank, well or other source of water used for drinking.	Fifty rupees.
284 (311)	..	*Unlawful washing and* fishing in river, or estuary after prohibition *or contrary to regulations.*	Twenty rupees.
285 (319)	(*a*)	Unlawful bathing in certain places	Fifty rupees.
	(*b*)	Unlawful washing of animals, etc., in certain places ..	Fifty rupees.
	(*c*)	Unlawful throwing of animal, etc., into the water in certain places.	Fifty rupees.
	(*d*)	Fouling of water in certain places	Fifty rupees.
286 (305)	..	Failure to obey requisition to enclose, clear or cleanse untenanted *premises.*	Fifty rupees.
287 (306)	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with prickly-pear or other noxious vegetation.	Fifty rupees.
288 (239)	..	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees.	Fifty rupees.
289 (307)	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Fifty rupees.
290 (308)	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of masonry building and fifty rupees in the case of hut.
291 (309)	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day.
	(4)	*Failure to obey requisition to demolish the same*	*Twenty rupees for each day.*
292 (310)	(1)	Allowing overcrowding in building after order to abate the same.	Twenty rupees for each day.
	(4)	Failure to obey requisition to vacate overcrowded building or room.	Twenty rupees for each day.
296 (312)	(*a*)	Unlawful keeping of swine	*Twenty rupees.*
	(*b*)	Unlawful keeping of animals so as to be a nuisance or dangerous.	*Twenty rupees.*
	(*c*)	Feeding of animals *on filth*	*Twenty rupees.*
298 (314)	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Fifty rupees.
300 (316)	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act *or subsidiary legislation.*	Fifty rupees.
302 (317)	..	Failure to remove carcass of animal	Twenty rupees.
303 (323)	(3)	Use of place without licence or contrary to licence	Two hundred rupees.

1		2	3
Section *or rule.*	Sub-section or clause.	Subject.	Fine which may be imposed.
304 (324, but wider).	(1) & (2)	Unlawful erection of steam-boiler or machinery	*One thousand rupees.*
	(3)	*Disobedience of order regarding chimneys*	*Five hundred rupees.*
305 (New)	(*a*)	*Disobedience of order regarding hours of work*	*One hundred rupees.*
	(*b*)	*Using rice-husk, etc., for fuel without permission*	*One hundred rupees.*
306 (New)	..	*Using steam-whistle, etc., without permission*	*Fifty rupees.*
307 (325)	..	Use of place for sale or storage of timber, firewood, or other combustible, without licence or contrary to licence.	One hundred rupees.
310 (330)	(2)	Washing of clothes by washermen at unauthorized places ..	Twenty rupees.
311 (332)	..	Use of place as slaughter-house without licence or contrary to licence.	Two hundred rupees.
314 (334)	..	Slaughter of animals for sale or food *or skinning or cutting up carcasses* or drying skin without licence.	Twenty rupees for every animal, *carcass or skin.*
316 (New)	..	*Carrying on milk trade without licence or contrary to licence*	*Fifty rupees.*
319 (342)	..	Sale or exposure for sale in public market of animal or article of food without licence.	Fifty rupees.
320 (343)	..	Opening private market without licence or contrary to licence ..	Five hundred rupees.
321 (344)	..	Keeping open private market without licence or contrary to licence.	Five hundred rupees.
322 (346)	..	Sale or exposure for sale of animal or article in unlicensed private market.	Fifty rupees.
323 (347)	..	Failure to obey direction to construct approaches, drains, etc., to private markets or to pave them.	Fifty rupees.
324 (348)	(2)	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.	Fifty rupees for each day.
325 (349)	..	Breach of market regulations	Fifty rupees.
326 (350)	..	Carrying on butcher's, *fishmonger's or poulterer's* trade without licence, *etc.*	One hundred rupees.
327 (351)	..	Sale of article in public streets after prohibition *or contrary to regulations.*	Twenty rupees.
330 (New)	..	*Preventing the Commissioner or any person authorised by him from exercising his powers of entry, etc., under section* 329.	*Fifty rupees.*
332	..	Removing or in any way interfering with an animal or article secured under section 331.	Five hundred rupees.
338 (389)	(4)	Use or allowance of use of unlicensed burial or burning ground ..	Five hundred rupees.
338 (389)	(4)	Use or allowance of use of unregistered burial or burning ground.	One hundred rupees.
339 (390)	..	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees.
340 (391)	..	Construction of vault or grave or burial of corpse in place of public worship.	Five hundred rupees.
341 (392)	(3)	Burial or burning in place after prohibition	Two hundred rupees.
342 (393)	..	Burial or burning in place contrary to Act or by-laws	Fifty rupees.
343 (394)	..	Discharge of office of attendant *at place for disposal of dead* without licence.	Twenty rupees.
347 (363)	..	Failure of medical practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees.
351 (367)	..	Failure to obey requisition to cleanse or disinfect building or article.	Do.
353 (368)	(2)	Washing of infected articles at unauthorized places	Do.
354 (369)	..	Giving, lending, etc., of infected articles	Do.
355 (New)	..	*Infected person carrying on occupation*	*Do.*
356 (370)	(1)	Travelling of infected person in public conveyance without taking proper precautions against spread of disease.	Do.
	(2)	Entry of infected person into public conveyance without notifying fact of infection.	Do.
	(3)	Carrying infected person in public conveyance	Do.
357 (372)	(1)	Failure to take public conveyance to appointed place for disinfection.	Do.
	(3)	Using before obtaining certificate from Health Officer a public conveyance in which an infected person travelled.	Do.
358 (373)	..	Letting or subletting of infected building without previous disinfection, etc.	Two hundred rupees.
359 (New)	..	*Sending infected child to school*	*Fifty rupees.*
360 (New)	..	*Use or permitting use of book from public or circulating library by infected person.*	*Do.*
362 (New)	..	*Failure to give information of smallpox*	*Do.*
363 (New)	..	*Person entering city within forty days of inoculation without certificate.*	*One hundred rupees.*

1		2	3
Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
374 [418 (2)]	(3)	Prevention of inspection *of copies of* rules and by-laws *publicly exhibited.*	Fifty rupees.
374 [418 (3)]	(4)	Destruction, etc., of board exhibiting *or printed copies of* by-laws and rules.	*Fifty rupees.*
382 [426 (5)]	(8)	Failure to produce licence on request	Ten rupees.
385 (429)	..	Failure to obey requisition to attend, produce document or give evidence.	One hundred rupees.
393 (438)	(1)	Failure of occupier to obey requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day.
425 (466)	..	Obstructing or molesting municipal contractors, etc.	Two hundred rupees.
426 (467)	..	Removing mark set up for indicating level, etc.	Do.
427 (468)	..	Removal, etc., of notice exhibited by or under orders of the corporation.	*Fifty rupees.*
428 (469)	..	Unlawful removal of earth, sand or other material from land vested in the corporation or deposit of matter or encroachment in or on river, estuary, etc.	Do.
Schedule V, rule 20. (111).	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	One hundred rupees.

SCHEDULE VIII

PENALTIES FOR CONTINUING BREACHES

(See section 375)

1		2	3
Section.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
181 (New)	..	*Failure to maintain house-connections in conformity with by-laws and regulations.*	*Five rupees.*
182 (New)	(2)	*Failure to obey requisition to make house-connection .. .. ..*	*Do.*
192 (227)	..	*Failure to maintain house-drains, etc., in conformity with by-laws and regulations.*	*Ten rupees.*
193 (New)	2 & (3)	*Failure to obey requisition as to house-drainage .. .. ..*	*Do.*
	(4)	*Occupying or allowing occupation of house without proper drainage ..*	*Twenty rupees.*
200 (221)	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Ten rupees.
202 (223)	( ) ( )	Keeping of public latrine without licence .. .. Allowing public latrine to be in an unclean condition or improper order.	Do. Do.
203 (224)	..	Failure to obey requisition to provide latrine or to remove latrine to another site *and failure to keep latrines clean and in proper order.*	Do.
204 (225)	..	Failure to provide latrines for premises used by large numbers of people *or to keep them clean and in proper order.*	*Twenty rupees.*
205 (226)	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand *or to keep them clean and in proper order.*	*Do.*
219 (300)	(1) & (5)	Allowing rubbish *or filth* to accumulate on premises for more than twenty-four hours.	Ten rupees.
226 (234)	..	*Building within regular lines of streets without permission .. ..*	*One hundred rupees.*
238 (248)	..	*Failure to remove permanent encroachment .. ..*	*Ten rupees.*
240 (249)	..	*Failure to remove temporary encroachment .. ..*	*Five rupees.*
243 (252)	..	Unlawful making of hole or placing of obstruction in street ..	Ten rupees.
244 (253)	..	Construction, etc., of building without licence where street or foot-way is likely to be obstructed.	Do.
250 (262)	..	Construction of external roof, etc., with inflammable materials ..	Do.
271 (285)	..	Failure to keep external walls of premises in proper repair ..	Do.
277 (259)	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passengers or persons living in neighbourhood.	Do.
278 (326 but wider).	..	*Failure to obey notice regarding precautions against fire .. ..*	*Do.*
280 (New)	..	*Failure to obey requisition to stop dangerous quarrying .. ..*	*Do.*
281 (302)	..	*Failure to obey requisition to repair, etc., tank or well or drain off water, etc.*	*Do.*
282 (301)	..	*Failure to obey requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking.*	*Do.*
286 (305)	..	*Failure to obey requisition to enclose, clear or cleanse untenanted premises.*	*Do.*
287 (306)	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or over-grown with prickly-pear or other noxious vegetation.	Do.
288 (239)	..	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees.	Do.
289 (307)	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Do.
290 (308)	..	*Failure to obey requisition to execute work or take other action with respect to insanitary buildings.*	*Ten rupees in the case of masonry building and five rupees in the case of hut.*
296 (312)	(*a*) (*b*)	Unlawful keeping of swine .. .. Unlawful keeping of animal so as to be a nuisance or danger ..	Five rupees. Do.
298 (314)	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Ten rupees.
300 (316)	..	Construction or maintenance of stable, cattle-shed, etc, contrary to Act or *subsidiary legislation.*	Do.
302 (317)	..	*Failure to remove* carcass of animal	Five rupees.
303 (323)	(3)	Use of place without licence *or contrary to licence*	Fifty rupees.
304 (324 but wider).	(1) & (2) (3)	Unlawful erection of steam-boiler or machinery .. .. .. *Disobedience of order regarding chimneys .. ..*	*One hundred rupees.* *Fifty rupees.*
305 (New)	(*a*)	*Disobedience of order regarding hours of work .. ..*	*One hundred rupees.*

1		2	3
Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
307 (325)	..	Use of place for sale or storage of timber, firewood or other combustible, without licence or contrary to licence.	Ten rupees.
311 (332)	..	Use of place as slaughter-house without licence or contrary to licence.	Fifty rupees.
316 (New)	..	*Carrying on milk trade without licence or contrary to licence*	*Five rupees.*
320 (343)	..	Opening private market without licence or contrary to licence ..	One hundred rupees.
321 (344)	..	Keeping open private market without licence or contrary to licence.	One hundred rupees.
322 (346)	..	Sale or exposure for sale of animal or article in unlicensed private market.	Twenty rupees.
325 (349)	..	Breach of market regulations	Ten rupees.
326 (350)	..	Carrying on butcher's, *fishmonger's or poulterer's* trade without licence, *etc.*	Ten rupees.
351 (367)	..	Failure to obey requisition to cleanse or disinfect building or article.	Ten rupees.
Schedule V, rule 20 (111).	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Seventy rupees.

THE MADRAS CITY MUNICIPAL BILL, 1918.

STATEMENT OF OBJECTS AND REASONS.

The Royal Commission on Decentralization in India remarked on the great stringency of the control of the Local Government over the Madras Corporation and recommended that all Presidency corporations should have as full powers as that of Bombay; they added an expression of a preference for the Bombay system of a nominated official commissioner with an elected chairman of the corporation to that of a nominated official chairman which applied in Calcutta and Madras.

This Bill proposes to give effect to the recommendations of the Royal Commission and also to consolidate and amend the law and remove defects noticed during the last few years.

Under the present Act (III of 1904) the Local Government have power to remodel the annual budget (section 95); all taxation requires their approval (section 116); they make the superior appointments (section 12); and the cadre of inferior appointments is subject to their control (section 58). The Bill gives the municipal council full control over taxation and the budget, subject only to statutory limitations, and full powers in regard to the staff, subject only to the right of the Local Government to exercise a veto in the case of certain high officers. It further gives effect to a comprehensive scheme of decentralization recommended by the corporation and transfers many powers from the Local Government to the council and from the council or standing committee to the standing committee or commissioner respectively. It also increases the borrowing powers of the corporation and authorizes it to raise certain new taxes.

Constitution.

At present out of 37 commissioners in the council 9 are appointed by the Local Government, 20 are elected by the electors of the divisions (or wards) of the city and 8 by institutions. The Bill proposes to raise the number of elected members from 28 to 34 while it maintains the number of nominated members at 9. The

number of representatives elected by the divisions has been restored to the figure at which it stood before 1904, of 24, and two representatives are newly given to the South Indian Chamber of Commerce. The present standing committee consists of nine members, of whom only four may be divisional commissioners and three must be nominated commissioners. The standing committee, which has been enlarged in the Bill to facilitate the formation of sub-committees supervising particular departments, should in future, it is proposed, consist of thirteen members of whom one, the elected chairman, would be an ex officio member, six would be divisional councillors and three councillors elected by institutions. The nominated element in the standing committee is thus reduced from one-third (three out of nine) to less than one-fourth (three out of thirteen).

The functions which would be exercised by the commissioner, the standing committee, the council, the elected President and the Local Government are clearly defined in the Bill.

The details of the modifications made are described in the "Notes on Clauses."

Finance.

The present resources of the corporation are inadequate. It has made forecasts showing that on the completion of large schemes now being carried out its obligatory annual expenditure must exceed its revenue. Moreover it will not be able to raise, or to pay interest on, the loans that will be required to meet the further expenditure on these schemes. It has proposed enhancement of the rates of profession tax, an increase in the tax on motor vehicles, a terminal tax on the tickets of railway passengers, a tax on tobacco imported into the city, a tax on occupiers of houses paying a rental of over Rs. 200 a month and has had before it proposals for the introduction of a duty on the unearned increment of immovable property. The Bill provides for the introduction of the terminal tax and of a duty on transfers of property in the form of a surcharge on the stamp duty on instruments of sale, gift and usufructuary mortgage of immovable property situated within the limits of the city, such as is provided for in section 82 of the Calcutta Improvement Act, 1911. It further provides for an increase in the maximum rates of the

taxes on motor vehicles and in the scale of the profession tax, abolishes the statutory maximum for the property taxes and gives greater power to the corporation to raise loans.

Elections.

A special chapter (chapter III) of the Bill has been devoted to elections—the qualifications and disqualifications of voters and candidates, the electoral roll, the definition of electoral offences—subjects somewhat briefly dealt with in the present Act. Provision has been made for annual elections, on the English model, of one-third of the elected councillors.

Administrative powers.

Special provisions have also been inserted to enable the corporation to deal adequately with insanitary houses, overcrowding, factories, drainage and water supply, the breeding places of mosquitoes, and the problems of town improvement. The schedule (schedule IV in the Act, schedule V in the Bill) describing the objects on which municipal funds may be spent has also been greatly amplified to enlarge the powers of the corporation in matters of town-improvement, town-extension, municipal trading, etc.

Audit and surcharge.

Provisions have been inserted with the object of introducing with suitable modifications, the English system of surcharge by auditors and the summary recovery of the amounts surcharged. This is considered necessary as, under the Bill, the powers of the Corporation are considerably enlarged and the control of the Government is relaxed.

Appeal against assessments.

The Bill also provides that appeals againt assessments shall go to the civil courts (as in Calcutta and Bombay) instead of to the Presidency Magistrates.

MADRAS CITY MUNICIPAL BILL, 1918.

NOTES ON CLAUSES, PART I.

Clause 3.—The number of definitions has been reduced.

Omissions.

The existing clauses (2), (9), (10), (12), (13), (17), (18), (25), (31) and (36), define "budget," "division," "divisional commissioner," "engineer," "health officer," "municipal fund," "municipal office," "president," "revenue officer," "standing committee" merely by references to particular sections of the Act from which the meaning of these expressions can be ascertained. Clauses (2), (9), (10), (11), (12), (13), (17), (25), (31) and (36) have been omitted and a new definition of "municipal office" has been supplied in the place of the reference to section 70 in clause (18).

It is an elementary maxim of drafting that a word should not be defined to include something which it does not properly include. This rule is violated by the definition of "horse" in the present clause (14). In the only place in which there is occasion to use the definition of "horse" in the present Act, schedules VI and VII, it is overlooked, and mules and "horses under thirteen hands" are entered separately. Clause (14) has been omitted.

Clause (1) "bake-house" also goes out. "Bake-house" only occurs once in the Act of 1904 and the section about it has now gone, together with the definition, into schedule VI (places not to be used without licences).

Clause (8) *and clause* (22)—"*Dangerous trades*" *and* "*offensive trades*".—Lists of dangerous and offensive trades will be found in schedule VI, which it is proposed should be amendable by Government.

Clauses (8) and (22) go out as unnecessary.

Clause (6)—"*City of Madras.*"—The power to alter the area of the Madras Municipality is given to Government in the present Bill by clause 41 of the Bill.

Clauses (11) *and* (15)—"*Drain*" and "*House-drain.*"—The words are not used in any peculiar sense in the Bill, but

in their ordinary connotation. The Special Engineer is not satisfied with the present definition of drain and proposes to simplify it down to: "Drain" means a channel for conveying by gravity liquid matter which may or may not contain solid matter." This is the ordinary meaning of the word and no definition seems necessary.

The same remarks apply to clause (16) "market" and clause (35) "slaughter-house," which have also been omitted.

Clause (19) "nuisance" has also been omitted. No definition of this common legal term seems to be necessary, especially in view of section 3 (27), Madras General Clauses Act, 1891.

Clause 30.—"Residence" though defined is used only in section 384 of the Act of 1904. When it might have been used elsewhere, *e.g.*, in section 436, "place of abode" which is not defined, was preferred.

Clause 24.—"Populous parts of the City" goes out because the provisions in which the expression is used have been omitted.

Definitions reproduced without change

These are the definitions of "building line," "owner," "private street," "public street," "railway," "salary," "street alignment," "year".

The definition of "year", though inconsistent with that in the Madras General Clauses Act, 1891, has been retained as convenient.

Definitions amended.

The definition of building has been expanded.

The definition of "re-construction" has been expanded with reference to the suggestions of the corporation engineer and recent English legislation (Public Health Act, 1907, section 23).

The definitions of "offensive matter," "rubbish" and "sewage" have been reduced to definitions of "filth" and "rubbish" for greater simplicity and with reference to the suggestions of the health officer and the re-draft of the chapter on scavenging (chapter VIII of the Bill).

New Definitions.

"Appoint," "appointment"; these are to save special provisions in the body of the Bill for officiating appointments as commissioner, etc.

"Budget grant"; the definition is required for the purposes of clauses 18, 174, 175 and 176 of the Bill.

"Carriage," "cart" have been defined for purposes of the carriage and cart taxes. The old terms "vehicle with springs," "vehicle without springs" were cumbrous.

"Casual election," "ordinary election"; the Bill introduces the English system of partial elections of one-third of the council every year, and it is convenient in Chapter III of the Bill to refer to these annual elections as the ordinary elections.

Definitions of "latrine" and "prescribed" have been introduced to save words in numerous clauses of the Bill.

"*Hut*" *and* "*masonry building*".—Definitions of these terms have been inserted with reference to chapter X—Building regulations.

"Public land"; this definition has been inserted chiefly for the purposes of chapter IV of the Bill dealing with the powers of the corporation in respect of disposal of property and clause 115 of the Bill which exempts public land from payment of the property tax.

"*Residence*" *and* "*Reside.*"—These definitions are required for the new election and taxation provisions.

Chapter II.—The Municipal Authorities.

Clause 4.—This is a combination of section 4 of the old Act and section 4 of the Bombay City Act.

The council is referred to by its proper name and not by the name of the corporation used in the Bombay City Act, partly because the use of "corporation" in this sense is contrary to English usage but chiefly to keep two terms for two things with a different meaning. From the draftsman's point of view it is necessary for the purpose of avoiding confusion to have one term for the collective municipal authority or abstract entity and another for one of the three authorities which this Bill sets up.

Clause 5.—The composition of the council has been altered. The Bill raises the number of councillors elected by wards from 20 to 24 (a figure from which they were reduced in 1904) and institutional councillors from 8 to 10, assigning the two new seats to an Indian institution, the South Indian Chamber of Commerce. The total number of councillors is raised from 37 to 43. The percentage of ward councillors in the present Act is 54; the Bill makes it 56. The percentage of institutional councillors is raised from 22 to 24 and is thus made to approach nearer to the Bombay percentage of 28. The total number of 43 gives Madras one councillor for every twelve thousand of the population. The total number for Bombay (72) when the Bombay Act of 1888 was passed represented one councillor for every 11,000 of the population.

Clause 6.—The standing committee consists at present of nine councillors with the president. The number has been raised to 12 and it has been provided that the president may attend if he likes (clause 39).

Clause 7.—In the present Act, the president is treated as an executive *officer* (heading over section 9, etc.). The commissioner is described in this Bill as an executive *authority* and his position is distinguished clearly from that of the revenue officer, the health officer and the engineer.

Clause 8.—This, read with clauses 7 and 28, gives the local Government the

same power in respect of the appointment of commissioner as it has in the present Act in respect of that of president.

The Bill now proceeds to describe the attributes of the commissioner, the standing committee and the council, beginning in the approved manner with the lowest and ending with the highest authority. In this chapter only the more important functions and rules are entered. A description in detail of the powers of each authority is reserved for chapter IV and for subsequent parts of the Bill.

Clause 9.—The clause repeats section 20 of the present Act, omitting the word "entire" before "executive power." The standing committee is also an executive authority, and so are the council in some respects, and the word "entire" is too emphatic and possibly in conflict with clause 23 (1).

Clause 10.—There is nothing new in substance about this. It repeats section 21 of the present Act.

Clause 11 is substantially section 11 of the present Act. Clause (*a*) of section 11 appears to be unmeaning and is therefore omitted. The designation of the harbour trustees has been altered by the Madras Port Trust Act, 1905.

Clause 12.—The president's salary under section 36 of the Act of 1884 was Rs. 1,800—2,500 a month. In 1904 the limit of salary was removed with the concurrence of the Government of India on the ground that it was an inconvenient restriction. A maximum limit has now been introduced on the suggestion of that Government. Section 10 of the present Act is reproduced partly here and partly in clause 14.

Clauses 13 *and* 14 bring together from sections 10, 61, 62 and 65 of the present Act provisions regarding the service regulations of the commissioner.

Clauses 15, 16 *and* 17.—These correspond with sections 23 and 22 of the present Act. The list of sections in clause 15 repeats the existing list in section 23 with such changes as are necessitated by the separation of the office of president from that of commissioner, and by drafting alterations in subsequent portions of the Bill. Power has been given to make delegations to councillors as well as to officers. "Holder of any municipal office" has been substituted for "municipal officer" to make it clear that the delegation need not be to any officer

by name; and in clause 15 (*c*) the pecuniary limit for delegation in respect of contracts has, at the instance of the municipal authorities, been raised to Rs. 2,000. Old section 23, proviso (*d*), has been absorbed in the opening words of clause 15.

Clause 17 has also been made wider than section 22 in view of practical difficulties which have been brought to notice.

Clause 18 corresponds with sections 17 and 18 of the present Act. Section 17 (*b*) has been distributed between clauses 99 and 105; section 17 (*d*) has been reproduced in clause 151.

Clauses 19 *and* 20.—These clauses provide for the election of the standing committee with greater particularity than section 8 of the present Act. The election will take place in the month of November because it is proposed to introduce a system of annual elections of councillors in advance of the 1st of November, the term of office of the newly elected members beginning at noon on the 1st November.

Clause 21.—This is a reproduction of section 19 of the present Act, except that "by or under any law" has been substituted for "by or under this Act." It may well be the case in future, that other laws may contain provisions subjecting the action of the commissioner to the sanction of another municipal authority.

Clause 22.—This corresponds with section 82 of the present Act. Section 82 has remained a dead letter. The Bill provides for a larger standing committee which would work by sub-committees of three or more.

Clause 23.—Sub-clause (1) is from sub-section (2) of section 64 of the Bombay Act. It has been made clear in the last words of the draft sub-clause that it does not authorize the council to usurp functions assigned to the remaining municipal authorities by law nor to assume appellate and revisionary powers not specially assigned to it.

Sub-clause (2) reproduces section 16 (*a*) and (*b*) of the present Act.

Clause 24.—This is new in its present form, but in part covers section 15 of the present Act. The power of the local government to cancel resolutions is more particularly defined in clause 47.

Clause 25.—Sub-clause (1) repeats section 16 (1) (*c*) of the present Act except that "any councillor" and not the "corporation" is the subject of the sentence.

Sub-clause (2) reproduces section 16 (2) save that it is no longer considered necessary that the regulations in question should be submitted to the local government for approval.

Sub-clause (3) is amplified from section 71 of the present Act. In future there will be two sets of records: those in charge of the commissioner and those in charge of secretary.

Clause 26.—There is no corresponding provision in the present Act, but with a new constitution it becomes necessary to provide what records the council may call for from the commissioner. Section 66 of the Bombay Act deals with the matter fully and it has not been necessary to amend it during the 25 years in which it has been on the Statute Book. It has been reproduced in the Bill in an amended form.

Clause 27.—This clause also is new and is taken from section 65 of the Bombay Act with modifications of language.

Clause 28.—Section 9 (2) of the present Act is distributed between this clause and clause 8. The number 28 represents an approximate two-thirds majority in a council of 43.

Clause 29.—Under the present law the appointed president is ex-officio president both of the corporation and of the standing committee. It is now necessary to provide for the election of presiding non-officials for both bodies.

Clauses 30 *and* 31.—These further ancillary provisions are also new

Clause 32.—In the present Act a few rules for transaction of business at meetings of the council and committees are given in sections 72 to 83. Section 84 gives the standing committee power to frame supplementary regulations. Section 409, clause (1), gives the corporation power to regulate the conduct of business at their meetings. The empowering provisions are here combined and the existing rules or procedure are relegated to a schedule. Matters of procedure are best dealt with by scheduled rules, and the English Municipal Corporations Act, 1882, also places in a schedule the rules regarding meetings and proceedings of the council.

At present any supplementary rules that the corporation may wish to make must be in the form of by-laws, that is to say, they require the sanction of Government. The word "regulation" is used in the clause advisedly. It indicates that the sanction of Government will no longer be necessary. In England also (rule 13 of schedule II of the Municipal Corporations Act, 1882), the councillors may make supplementary standing orders for the regulation of their proceedings and business and vary or revoke the same without the sanction of the Local Government Board. In Bombay (section 36 of the Bombay Act) the corporation has the same powers.

Clause 33.—The corresponding sections in the existing Act are sections 78 (1) and (3), and 83 (2) and (3), and in the Bombay Act, sections 36 (*g*) and 49 (*e*).

Sub-clause (3): "Save as otherwise expressly provided"; cf. clause 35 (3).

Clause 34.—This is a somewhat abbreviated copy of section 36 (*t*) and 49 (*n*) of the Bombay Act. The original Bombay Bill gave the commissioner power to speak whenever he liked; and the last words of section 36 (*t*) were the result of a compromise. It would appear that they are hardly necessary. The following is from the final report of the proceedings of the Bombay Council, dated 7th March 1888, page 29:—

"The Hon'ble Mr. WEST moved:—That in section 37, clause (*u*), the following words be inserted after the word 'councillor', viz., and, with the consent of a majority of the councillors present, ascertained by show of hands, without discussion, may at any time make a statement or explanation of facts.

"The honourable gentleman in introducing the amendment said:—The clause to which I have given notice of amendment is obviously one which goes to the very centre of the constitutional principles of this Bill, and is a matter of great importance to the corporation, the commissioner and the public at large. Your Excellency has considered this matter very carefully, and it has appeared to Your Excellency in Council that although on many occasions it may be desirable that the commissioner should have an opportunity of disclosing to the corporation the real and existing state of facts when there has been some illusory statement, or at least an erroneous statement put before

them by somebody in possession of a half truth relating to public matters concerning the corporation, yet it appears undesirable, on full consideration, that he should have the right to interpose his voice as often as he pleases even in correcting facts, but it is considered quite safe to leave it to the discretion of the council itself, whether or not those facts shall be stated. In constitutional countries, on the continent especially, a minister in charge of any particular matter, especially matters of finance or administration leading into a discussion of infinite detail, has a right, at any period of the debate, to get up and put the house right on any matter on which he considers it has been misinformed. So that there was a good analogy on which the section, as it now stands, could be based. In the American constitution a different line is adopted; the Secretary, or, as we should name him in England, Home Secretary, or the Foreign Secretary, may give information to Congress when invited to do so by Congress itself. The commissioner should have an opportunity of making any explanation of facts, though he should not be in a position to force his explanations upon the corporation which might come at the heat of the moment and plunge the body into personal discussions, sometimes rather warm discussions. There is this consideration, that if the commissioner does get up and happens to run counter in any way to the general feeling of the council on any point, although he has a right to speak, the members have an equal right not to listen, and they may exercise it. Thus instead of any good it may possibly lead to an increase of irritation between the two constituents that the council represents, taking the commissioner as representing the practical side and the members the theoretical side. He should, however, have an opportunity, with the assent of the corporation, of laying statements of facts before them, and in many cases, they will desire such statements; but on the other hand, he should have no authority to force his opinions upon them under the guise of supplying the deficiencies or of correction of fact. I am glad of the opportunity of proposing this amendment, which stands in my name. I understand, after conference with Hon'ble Mr. Metha, that if this amendment is adopted, his mind will be satisfied on the subject, and it will follow necessarily that clause (*d*) will have to be expunged."

"The Hon'ble Mr. PHEROZESHAH METHA:—I think the Hon'ble Mr. West's amendment substantially meets the object I had in view in giving notice of my amendments to these clauses, which was to restore the position of the commissioner to what it is under section 43 of the present Act. I have no objection to the limited power of giving an explanation as proposed by the Hon'ble Mr. West. My only hesitation in the matter arises from the consideration whether the proper place for it is not in the rules of procedure of the corporation. It strikes me that that is its appropriate place, not the Act itself."

"The Hon'ble Mr. WEST:—This matter has been considered lately by me from the very point of view suggested by the Honourable Member. If in the Act you make no allowance for the commissioner coming forward to speak in the council, an objection might be made that you are going beyond the terms of the Act in allowing a stranger to speak. You might just as well make a rule that any one who keeps a shop in Rampart Row shall be permitted to speak."

"The Hon'ble Mr. PHEROZESHAH METHA:—I am content to accept the amendment."

The question how far the commissioner should be allowed to make statements may safely be left to the decision of the president.

Clause 35.—This provision is based on section 22 (3) of the English Municipal Corporations Act, 1882, section 30 (3) of the Madras District Municipalities Act and section 26 of the Burma Municipal Act.

Clause 36.—This is a re-draft of section 36 of the present Act expanded with reference to the altered constitution.

Clause 37.—This is a mere reproduction of section 86 of the present Act.

Clause 38.—This is new. It seems desirable to provide, although the Bombay Act omits to do so, who is to conduct the correspondence of the corporation with the Local Government.

Clause 39 is in accordance with the English practice and the present practice of the Madras Corporation.

Clause 40.—This is a re-draft of section 30 of the existing Act. It is in accordance with practice except that the standing committee do not now consider the administration report.

Clause 41.—This is new in its present position, but seems necessary. The existing notification defining the city boundary excludes the fort from municipal limits for other purposes and includes it for the purpose of the profession-tax. In this clause special power is taken to fix the limits for any special purpose.

Clauses 42, 43 *and* 44.—These clauses reproduce respectively sections 29, 24 and 25 of the present Act. Section 29 appears to be out of place at present and there seems to be no particular reason for the variation in language in clauses (*a*), (*b*) and (*c*) of section 24 and clauses (*a*), (*b*) and (*c*) of section 29.

Clause 45 combines sections 26 and 27 of the present Act and slightly amplifies those provisions in sub-clause (2). In view of the language of the clauses regarding contracts (85-86), it might be doubted whether an officer appointed under this clause had power to make contracts binding on the corporation unless this is expressly stated; and it might also be doubted whether he was entitled to the same protection as the municipal authorities.

Clause 46.—This is new, the present Act omitting to make provision for the removal of a councillor.

Clause 47 (1)—This expands section 80 (3) of the present Act.

Clause 47 (2) reproduces section 419 of the present Act, omitting sub-section (2), proviso and sub-section (4), which are considered unnecessary, and gives a further power to cancel resolutions which may be said to be implied in section 15 (2) of the present Act.

Chapter III—Elections.

The main alterations are that annual elections of one-third of the divisional councillors have been introduced (see also clause 431), that the election court will, in future, be the Small Cause Court and not a Presidency Magistrate, and that the one penal provision for elections offences (section 45) of the present Act has been expanded into a series of clauses. As regards the arrangement of the provisions for election, the principles of qualification and disqualification of voters and candidates, the resignation and removal of councillors and the obligation to maintain electoral rolls and registers of persons eligible for election have been placed in the body of the Bill, while the details of procedure of election and the details as to the preparation and maintenance of electoral rolls have been left to subsidiary legislation.

Clauses 48 *and* 49.—These clauses correspond with sections 37-39 of the present Act. The schedule referred to in section 37 will be replaced by more elastic notifications. The time and place of elections will not be fixed in future by the local Government as provided in section 39, but by the commissioner. The proviso to section 39 is a curious example of the survival of an inapplicable provision; since 1904 the number of vacancies in a divisional election can only be one and if the number of candidates were less it would be zero. The proviso, so far as it applies to the case of the single candidate will be reproduced in rules under clause 67.

Clause 50.—Sub-clause (1) corresponds with section 46. As the ordinary elections will be annual in future, it is considered sufficient to require the electoral roll to be published once a year.

Sub-clause (2) is section 47 slightly altered.

Clauses 51–54.—These clauses give the principles of qualification of voters; they expand section 32 of the present Act, which has been criticised as obscure. The precise figures are left to the schedule. It may be convenient to alter the figures from time to time according to circumstances. The value of money changes and the standard may be much higher at one time than at another. Ten years ago the present standard produced

an electorate of 5,000; now the electorate is 11,000. At present a different pecuniary qualification is laid down by statute for voters and candidates. It may, in future, be convenient to make the qualifications of voters and candidates approximate more closely, or to do away with the distinction. Only a member of the undivided family will be allowed to vote for it. If there are no members qualified, the family will have no vote.*

Clause 55 deals with the question of plural voting and brings the law for Madras into conformity with the Bombay Act and English law.

Clause 56.—The only disqualification to vote under the present Act is a conviction for corrupt practices, but it would appear desirable to add that lunatics and deaf-mutes should have no votes.

Clause 57.—The principle of section 33 has been reproduced here, the exact figures of pecuniary qualification and length of residence being left to be provided for by rule. Clause (*c*) has been slightly expanded, the additional matter being based on the existing practice. It has also been made clear that the qualification for election is personal and that a man has no right to stand for election simply because he is the agent through whom some other person pays taxes; a point in regard to which the present Act has been held to be obscure.

Clause 58.—The present section 34 does not declare lunatics, lepers and deaf-mutes disqualified to be councillors and the omission has now been supplied. It has also been provided that the Judges of the Small Cause Court cannot be councillors, as they will, under this Bill, hear appeals against municipal assessments and deal with election suits.

In sub-clause (iii) it has been made clear that directors of companies do not fall under the exception made for shareholders and "legal practitioner" has been inserted. In clause 59 "*paid* legal practitioner on behalf of the corporation" has been inserted. The result is that a councillor may appear for the corporation so long as he does it gratis after he joins the council, and a person may stand for election when employed as paid legal adviser so long as he takes no fee for continuing to represent the corporation after election.

* Mr. Justice Norris, in deciding the questions raised, stated that he could not help thinking that the legislature intended to provide that a family, firm, company, or association should be represented by one of their own members on whom they could rely and who would vote as they desired; and that although the omission so to provide appeared to be a grave defect in the Act, which the legislature might well take into consideration, still he could not introduce into sections 24 and 25 words which were not to be found in such sections, namely, "such persons being a member of such joint Hindu family, etc.," and he therefore reluctantly came to the conclusion that he would not be justified in putting such an interpretation on the Act, as would involve the addition in the Act of words which the legislature has left out. (I.L.R. 19, Cal. 198.)

An addition has also been made to the proviso to sub-clause (iii) to declare occasional sales and purchases to or from the corporation no disqualification—*cf.* Bombay District Municipalities Act, section 15, Bombay City Act, section 16.

Sub-clause (v) takes the place of the words "a commissioner" in the present Act. It is the intention that elections should in future, where a vacancy can be foreseen, take place in advance, as in Bombay. [See clause 61 (2).]

Section 35 which is really a proviso to section 34, has been omitted and a more general provision regarding the personal interest of councillors has been inserted in the previous chapter, clause, 35.

Clause 59 combines sections 54 and 55 of the present Act.

Section 54 appears to have been somewhat carelessly drafted inasmuch as it omits to recite section 34 (1) (*b*) (i). The consequence is that the Presidency Magistrate is debarred from standing for election, but if a man is appointed Presidency Magistrate while holding the office of commissioner he does not cease to be a commissioner. This anomaly has been corrected.

Provision has also been made, as in clause 56, for disqualification of lunatics, lepers and deaf-mutes.

It also appears desirable if residence is to be a qualification for election that it should also be required for the holding of office; and this has been laid down in sub-clause (*g*).

Under section 54 a councillor is disqualified for failure to attend three consecutive general meetings and for failure to attend any six consecutive meetings whether general, special or adjourned. The Bombay provision is as follows :—

"17 (*b*) Any councillor who absents himself during three consecutive months from the meetings of the corporation except from temporary illness or other cause to be approved by the corporation shall cease to be a councillor and his office shall thereupon be vacant."

The Calcutta provision is section 43 (*b*), Calcutta Act—

"Any commissioner who absents himself during six successive months from the meetings of the corporation except from temporary illness or other cause to

be approved by the corporation shall cease to be a councillor and his office shall thereupon be vacant."

In the Madras District Municipalities Act, section 19 (1) (iii) runs: "Any councillor may be removed if he without any excuse sufficient in the opinion of the council neglects for more than three consecutive months to be present at meetings of the municipal council."

All these provisions refer to months and not to meetings. The English Municipal Corporations Act, section 39, also refers to months and not to meetings. It runs:—

"If the mayor or an alderman or councillor is except in case of illness continuously absent from the borough, being mayor, for more than two months or being alderman or councillor for more than six months, he shall thereupon immediately become disqualified and shall cease to hold office." Failure to attend meetings for three consecutive months has now been made the disqualification.

An exception has been made in favour of unpaid legal practitioners appearing for the corporation for the reasons given in the note on clause 58.

Clause 60.—There is no provision in the present Act for deciding whether a councillor has become disqualified when he disputes it or there is any doubt. This clause is taken from section 18 of the Bombay Act, which has also been copied in section 41 of the Calcutta Act.

Clause 61.—This, read with the transitory clause on the subject at the end of the Bill and the definition of ordinary election in the interpretation clause is a new provision to provide for annual partial elections.

Clause 62.—A provision on the lines of section 34 of the Bombay Act has been substituted for section 42 of the present Act.

Clause 63 corresponds with section 43. The period within which a candidate may choose his division has been reduced from 5 days to 24 hours.

Clause 64 corresponds with section 44.

Clause 65.—Other election matters are to be dealt with by subsidiary legislation. But it is provided that the adjudication of all election disputes shall rest with the Small Cause Court. Sub-clause (*b*) covers section 40 of the present Act.

Clause 66 corresponds with section 56 of the present Act.

Clause 67.—The case of elected councillors has been dealt with in clauses 61 and 62. This reproduces section 57 in respect of other councillors in other language. Section 57 is scarcely accurate as it stands; it omits to mention the case of vacancies due to efflux of time.

Clauses 68—76.—The only provision of the present Act dealing with election offences is section 45, under which, read with the penalty schedule, the acceptance of a bribe at an election is punishable with a fine of Rs. 100, and the giving of a bribe with Rs. 500. If therefore a corrupt elector accepts a bribe of Rs. 110 he will, even if detected, convicted and fined the maximum fine, make a profit on the transaction. Under clause 69 more adequate penalties are provided.

Moreover bribery is by no means the only gross offence that may be committed in connexion with elections. Other offences which are dealt with in England in various enactments are here penalized.

The English precedents have been kept in view but not followed very closely.

Clause 68 (2).—There is a precedent for this running to a very large number of words in the Parliamentary Registration Act, 1843.

As to clause 68 (1) it seems doubtful whether the offence would come under the Penal Code definition of forgery.

Clause 69.—The English definitions of bribery in sections 2 and 3, Corrupt Practices Prevention Act, 1854, and section 49, Representation of the People Act, 1867, run to close on 700 words. Some of the wording of the clause comes from the English sections of 1854 and 1867, but it has been modified in the light of sections 161–162 of the Indian Penal Code, etc. The French dispose of the offence with their usual conciseness in 16 words instead of 700 (French Penal Code, section 113, Tout citoyen qui aura, dans les elections, a cheté ou vendu un suffrage à un prix quelqonque).

Clause 70.—The English definition of "undue influence" (section 2, Corrupt and Illegal Practices Prevention Act, 1883) is as follows:—

"2. Every person who shall directly "or indirectly, by himself or by any "other person on his behalf, make use "of or threaten to make use of any

"force, violence or restraint, or inflict or "threaten to inflict, by himself or by any "other person, any temporal or spiritual "injury, damage, harm, or loss upon or "against any person in order to induce "or compel such person to vote or refrain "from voting, or on account of such "person having voted or refrained from "voting at any election, or who shall by "abduction, duress or any fraudulent "device or contrivance impede or prevent "the free exercise of the franchise of any "elector, or shall thereby compel, induce "or prevail upon any elector either to "give or to refrain from giving his vote "at any election, shall be guilty of undue "influence."

The clause deals with undue influence in respect of candidates as well as voters, and the language of the Indian Penal Code is used, e.g., "injury to his person, "reputation or property or to the person or "reputation of any one", etc., is from the Indian Penal Code, section 503 (Criminal intimidation); "wrongful restraint" is substituted for "duress", etc.

Clause 71.—*Cf.* section 24, English Ballot Act, 1872, which runs:—

"24. The following enactments shall "be made with respect to personation at "parliamentary and municipal elec-"tions:—

"A person shall for all purposes of "the laws relating to parliamentary and "municipal elections be deemed to be "guilty of the offence of personation who "at an election for a county or borough, "or at a municipal election, applies for a "ballot paper in the name of some other "person, whether that name be that of a "person living or dead or of a fictitious "person, who having voted once at any "such election applies at the same "election for a ballot paper in his own "name.

". . . . It shall be the duty of "the returning officer to institute a "prosecution against any person whom "he may believe to have been guilty of "personation, or of aiding, abetting, "counselling or procuring the commission "of the offence of personation by any "person, at the election for which he is "returning officer, and the costs and "expenses of the prosecutor and the "witnesses in such case, together with "compensation for their trouble and loss "of time, shall be allowed by the court "in the same manner in which courts are "empowered to allow the same in cases "of felony.

"The provision of the Registration "Acts specified in the Third Schedule to "this Act shall in England and Ireland "respectively apply to personation under "this Act in the same manner as they "apply to a person who knowingly "personates and falsely assumes to vote "in the name of another person as "mentioned in the said Acts."

* * *

Clauses 72 *and* 73.—There are provisions on these subjects in sections 3 and 4 of the English Ballot Act, 1872.

Clause 73.—There is a section on this subject in the Ballot Act:—

"3. Every person who—

"(1) forges or fraudulently defaces "or fraudulently destroys any nomination "paper, or delivers to the returning "officer any nomination paper, knowing "the same to be forged; or

"(2) forges or counterfeits or "fraudulently defaces or fradulently "destroys any ballot paper or the official "mark on any ballot paper; or

"(3) without due authority supplies "any ballot paper to any person; or

"(4) fraudulently puts into any "ballot box any paper other than the "ballot paper which he is authorized by "law to put in; or

"(5) fradulently takes out of the "polling station any ballot paper; or

"(6) without due authority destroys, "takes, opens, or otherwise interferes "with any ballot box or packet of ballot "papers then in use for the purposes of "the election;

"shall be guilty of a misdemeanour, "and be liable, if he is a returning officer "or an officer or clerk in attendance at a "polling station, to imprisonment for any "term not exceeding two years, with or "without hard labour, and if he is any "other person, to imprisonment for any "term not exceeding six months, with or "without hard labour.

"Any attempt to commit any offence "specified in this section shall be punish-"able in the manner in which the offence "itself is punishable.

"In any indictment or other prose-"cution for an offence in relation to the "nomination papers, ballot boxes, ballot "papers, and marking instruments at an "election, the property in such papers, "boxes, and instruments may be stated "to be in the returning officer at such "election, as well as the property in the "counterfoils."

The French provisions are as follows:—

"*Penal Code* 111.—(2) Tout citoyen "qui, étant chargé, dans un scrutin, du "dépouillement des billets contenant les "suffrages des citoyens, sera surpris "falsifiant des billets, ou en soustrayant "de la masse, ou y en ajoutant, ou in-"scrivant sur les billets des votants non "lettrés des noms autres que ceux qui "lui auraient été déclarés, sera puni de "la peine de la dégradation civique.

"112. Toutes autres personnes coup-"ables des faits énoncés dans l'article "précédent seront punies d'un empri-"sonnement de six mois au moins et de "de ux ans au plus, et de l'interdiction du "droit de voter et d'être éligibles pendant "cinq ans au moins et dix ans au plus."

Chapter IV.

This chapter concludes the constitutional part of the Bill and describes in detail the powers of the several municipal authorities in respect of—

(1) disposal of corporation property,
(2) execution of works, and
(3) establishment.

In the present Act the provisions regarding the disposal of property are not gathered together in one place but are scattered. The acquisition and disposal of buildings and land are dealt with in sections 406 to 408. There are some special provisions as to buildings and lands on the Esplanade in sections 470 to 473. The procedure in regard to sale or lease of abandoned streets is given in sections 230 and 231. The acquisition of land for markets is dealt with in section 338. In the constitutional part of the present Act there is nothing about the disposal of land in so many words although contracts are dealt with.

Powers in regard to property being of fundamental importance, it seems desirable to lay down the general principles and the respective powers of the different authorities in the constitutional part of the Bill.

A distinction has been introduced between public domain administered by the corporation ("corporation public land") and private property of the corporation ("corporation private land").

Clause 77.—The Esplanade is merely a particular example of the administration of the public domain partly by the Government of India and partly by the corporation. In the present Act the rules are set out in a special part (Part XI), sections 470 to 473, which have been incorporated here with slight verbal alterations.

Clause 78.—Some doubts have been felt as to the power of the corporation to accept property in trust.

Clauses 79 *and* 80.—These clauses settle the powers of the different municipal authorities in regard to the acquisition and disposal of property. The existing Act contains no similar provisions. Sections 90 and 92 of the Bombay Act have been kept in view, but the distinction made in this Bill between corporation, public and private property has rendered the drafting somewhat more elaborate than that of the Bombay provisions.

Clause 80.—Under section 406 (3) of the present Act all sales of land require the sanction of the local Government. It is proposed to confine the control of Government to the disposal of corporation public land. In the disposal of their private land the corporation will not be subject to external control. On the other hand, the control of Government over the disposal of the public domain is more clearly defined. The whole of the public domain in Madras is not in the hands of the corporation. The Fort and to some extent the Esplanade are retained in their own hands by the Government of India and administered through officers of the Army. The banks of the Cooum and some of the roads on them are retained in the hands of the local Government and administered through the Public Works Department. Parts of the seashore adjacent to the harbour have been vested by law in the Port Trust Board. The public streets and markets, however, have been vested in the corporation by law. The existing section 406, which makes no distinction between domain and private property of Government or the corporation, might be held to give the corporation power to lease parts of a street or a public garden for three years or with the sanction of Government to sell it. But in practice the corporation are not allowed to lease part of a public park without the express sanction of Government in each case and when a part of an abandoned street is to be sold, they are not in practice allowed to sell it and take the proceeds, but are made to hand over the land to the Collector of Madras who sells it and credits the proceeds to Government. Properly speaking land forming part of the public domain is not in the market at all, until it has lost its character. It is not correct to speak of sales and leases of public immovable property. This principle is not altogether obscured even in the present Act. Section 231 speaks of the sale of a street but only after it has been permanently closed under section 230, that is to say, when it is no longer a street. So also section 249 does not speak of leasing the land in a public street to put up verandahs, balconies, sunshades and the like, or to construct steps or drain coverings, but of the president's granting permission in these cases.

Clause 81.—This merely reproduces section 407 of the existing Act.

Clause 82.—This is new but seems to be required for greater lucidity. There is nothing in the present Act about carrying out works departmentally; and in practice doubts have arisen whether the corporation or the president should decide whether particular works should be carried out departmentally or by contract.

It must usually be a question of policy whether any particular class of works should be executed departmentally or by contract and it has therefore been provided that the commissioner should be guided by resolutions of the council.

Clause 83.—The present Act does not specifically lay down the powers of the several authorities to sanction estimates. There is a reference in section 91 (3) to the standing committee sanctioning estimates in time for the budget, which may be taken to imply that the sanctioning of estimates is one of the functions of the standing committee. In practice the standing committee sanction estimates at present, but have delegated their power in respect of estimates for sums not exceeding Rs. 100 to the president. This limit appears to be far too low and has been raised to Rs. 10,000.

Clause 84 embodies sections 28 and 66 (2) (*e*) of the present Act but the powers of the council to act without external control have been increased, the limit having been raised from one lakh to two and a half lakhs.

Clause 85 follows section 69 of the Bombay Act in giving larger powers to the municipal authorities than section 66 of the present Act.

Clause 86 follows section 70 of the Bombay Act and section 67 of the present Act.

Clause 87 follows section 72 of the Bombay Act and section 68 of the present Act.

Section 68 (3) of the present Act requires certain tenders to be submitted to the local Government. It is proposed to remove this restriction on the freedom of action of the corporation.

Clause 88 has special reference to piece work and other indeterminate contracts in regard to which audit difficulties are made when pecuniary limits are accidentally exceeded.

Clause 89.—This merely repeats section 69 of the present Act.

Clause 90.—The clause is new, the distinction between the corporation establishment under the commissioner and the council establishment under the secretary being an innovation copied from Bombay

Clause 91.—Under section 12 of the present Act the principal officers of the corporation are appointed by the local Government. It is proposed, following the Bombay model, to transfer the power of appointment to the council.

Clause 92.—This corresponds with the second proviso to section 12 (2) of the present Act, but provision has also been made for special health officers, town-planning officers and revenue officers.

Clause 93.—This is new, but it is necessary to provide for the case of the local Government vetoing an appointment made by the council. There is a similar provision in section 75 of the Bombay Act.

Clause 94 collects some scattered provisions of the existing Act, section 12 (3), section 12 (4), section 60, section 61, section 62 and section 65.

Clause 95.—This is an adaptation of sections 13 and 14 of the present Act. In clause 92 the council have been given a concurrent power of appointing special health officers.

Clause 96.—The present provision (section 58) gives the president power of appointment. In future the subordinate corporation establishment will be appointed by the commissioner, the superior officers by the council and the secretary and his establishment by the standing committee.

Clauses 97 *and* 98.—These clauses follow sections 79 and 80 of the Bombay Act and greatly extend the power of the municipal authorities to create new posts. Under section 58 of the present Act the local Government have complete control. This it is now proposed to abandon.

Clause 99.—This involves a slight alteration of the law. Under section 17 (*b*) the standing committee dispose of applications for pensions and gratuities. The corporation have adopted the Civil Service Regulations and most of these cases are purely routine. The Accountant-General guarantees that the application is in order and what is then required is only a signature. The rest of the clause is based on section 20 (*b*) of the present Act.

Clauses 100—105.—These clauses are new, the appointment of the municipal secretary being a new one. They closely follow sections 77 and 78 of the Bombay Act.

Clause 106.—Repeats section 65 (2) of the present Act.

Clause 107.—This is an amplification of section 64 of the present Act. The Bombay Act, section 81, has been followed in giving the initiative in framing regulations to the standing committee instead of to the council. The control of the local Government has been reduced by confining it to cases falling under clauses (*d*) and (*e*).

Clause 108.—This re-draft of section 58 (3) and section 59 of the present Act is based on section 83 of the Bombay Act.

Clause 109.—Under the existing section 63 the president grants leave to the corporation establishment.

It is proposed that leave to the secretary and his establishment should be granted by the standing committee as in Bombay [section 84 (2) (*a*) of the Bombay Act.]

PART III.—TAXATION AND FINANCE.

Chapter V.—Taxation.

This chapter and schedule IV take the place of chapters X to XV of the present Act. There is no necessity to deal separately with the so-called "tax on buildings and lands," "water and drainage tax," and "lighting tax," which are all three rates on real property and differ not in character but only in the destination of the proceeds.

Clause 110.—This is section 115 of the present Act, amplified to enumerate also new taxes.

Sub-clause (*a*).—This takes the place of clauses (*b*), (*c*) and (*d*) of section 115.

Sub-clauses (*b*) *and* (*c*).—These replace clause (*a*) of section 115. The present profession tax covers a tax on the capital of companies, and a tax on the income of professional men and traders. These two taxes cannot properly be treated together because the tax on persons is progressive while that on companies should be proportional: a small company may have richer shareholders than a large one.

Sub-clauses (*g*) *and* (*h*) refer to proposed new taxation.

Clause 111.—This corresponds with parts of sections 115, 147 and 148 of the present Act. No statutory maximum limit is however fixed for the property tax

Clause 112.—The present section 130 slurs over the difficulties of assessment and has been amplified in an attempt to dispose of the difficulties.

Clause 113.—The present exemptions are given in section 129 of the Act. The only change of importance is the exemption of "public land" as defined in clause 3 (21) of the Bill from payment of the property tax.

Clause 114.—Proviso (*a*) combines the provisos to sections 145 (1) and 148 (1) of the present Act.

Proviso (*b*) is section 129 (*f*) made wider as proposed by the corporation in the letter dealt with in G.O. No. 1803 M., dated 30th September 1912. At present houses of an annual value of Rs. 14 are exempt. The corporation proposed to raise this to Rs. 24. There are nearly

5,000 such houses, but they only yield some Rs. 14,000, and not all this would be lost because only such of the houses as belong to a man without other taxable property would be exempt. Rupees 36 has been entered in the clause instead of Rs. 14 but as a maximum limit of the power of exemption. The present Rs. 14 is a fixed limit. "Proprietor" is used advisedly for "owner" because "owner" as defined in the Bill is too wide.

Proviso (*c*).—This combines sections 141, 146 and 149 of the present Act.

Clause 115.—This is section 190 of the present Act; for parallels, see Bombay Act, section 212, Calcutta Act, section 228, and section 14 of the English Bills of Sales Act (1878), Amendment Act, 1888.

Clause 116—reproduces section 140.

Clause 117—reproduces section 142.

Sub-clause (3) has been added at the suggestion of the corporation officials who note: "A clause may be added to the section empowering the president for special recorded reasons to grant vacancy remission even where notice of remission has not been given, provided that on the evidence the president is satisfied that the premises were as a matter of fact, vacant."

Clause 118—has been substituted for the present section 134 on the model of Bombay section 149. The corporation officials note: "To enable us to keep our books up to date the transferor and transferee (or in the case of death the successor in title) of a building or land may be required to notify within three months the change of title. The present section (134) is merely permissive."

Clauses 119—121—reproduce sections 143, 144 and 132 of the present Act.

Clauses 122—127 *Tax on Companies and Profession tax.*—These re-enact with some changes existing provisions in the Act. The scale of the taxes has been revised.

Clause 128.—The present Act provides for separate taxes on "vehicles with springs" and "carts or vehicles without springs." These terms are neither concise nor accurate. The Calcutta Act uses "carriage" and "cart" and defines "carriage" as "any wheeled vehicle, with springs or other appliances acting

as springs, which is used for the conveyance of human beings and includes a jinrickshaw, a bicycle and a tricycle" and cart as "any cart, hackney or wheeled vehicle, with or without springs which is not a carriage as defined in this section." The Calcutta terms have been adopted and definitions have been supplied in the interpretation clause.

Clause 129.—Section 150 has been recast in this clause with reference to the following note of the corporation officials:—

"The provision that a person should pay the whole half-yearly tax even if he keeps a vehicle or animal for only thirty days is felt to be a hardship and tempts even honest people to evade payment by false pleas as to length of possession. A system of proportionate payment may be introduced as in Bombay. The full tax may be levied for sixty days' keeping, half the tax for not less than fifteen days but less than sixty days, a total exemption being conferred for periods less than fifteen days."

Clause 130.—Sub-clauses (*a*) and (*g*) have been substituted for the present clause (*f*) of section 151 with reference to the following note of the corporation officials:

"The exemption conferred by clause (*f*) should be made more stringent and in doing this we may well follow sections 183 and 184 of the Bombay Act by limiting the benefit of the exemption to vehicles under repair at a *bona fide* maker's or repairer's or to animals under treatment by a veterinary surgeon. At present false pleas of a vehicle or animal not being in use are far too common and oral evidence in favour of the plea is easy to procure."

The exemption in sub-clause (*e*) of volunteers' bicycles was made by the Amending Act of 1911. The Volunteers Act only covers horses.

Clause 131—This is section 152 in a slightly altered form. "Or in accordance with regulations framed by that body" has been added to obviate the necessity of seeking the standing committee's sanction in every particular case.

Clauses 132 *to* 135.—These are sections 153 to 157 of the present Act with some amendment of the drafting and without section 156 (2), which was superfluous with reference to section 426 (5).

Clauses 136 *to* 138.—These reproduce sections 158 to 161 with some amendment of the drafting.

Clause 139.—Section 162 of the present Act gives the President power to seize unregistered carts ; but there is no power to seize unregistered rickshaws and cycles.

Provision has now been made, on the suggestion of the corporation, for the seizure of rickshaws and cycles when notice to register and affix numbers has been issued under clause 134 and not obeyed.

Clause 140—reproduces section 163 with verbal alterations.

Clause 141.—This combines sections 164 and 168 of the present Act. Proviso (*b*) is new. Army stores, etc., are exempt under the Indian Tolls (Army) Act, 1901, and rules made by the Government of India thereunder. In clause (*c*) the reference to corporation property has been omitted as unnecessary and for consistency. In the case of other taxes corporation property is not specifically exempted from corporation taxation.

Clauses 142 *and* 143—reproduce sections 165–167 and 169 of the present Act.

Clause 144.—Sub-clause (*c*) has been inserted on the analogy of section 93 of the District Municipalities Act, and sub-clauses (*a*) and (*b*) because the cases, though not provided for in either of our Acts, are of not infrequent occurrence.

Clause 145—reproduces section 171 of the present Act. Section 170 has been omitted as superfluous.

Clause 146—is a new provision regulating the levy of a terminal tax on railway passengers. A similar tax is levied in Calcutta under section 83 of the Calcutta Improvement Trust Act, 1911. A table showing the maximum rates of the tax for each class of ticket will be found in Schedule IV, Part V (rule 13).

Clauses 147 *to* 149—are new provisions regulating the levy of a duty on transfers of property in the form of a surcharge on the stamp duty leviable under the Indian Stamp Act, 1899. A similar tax is levied in Calcutta under section 82 of the Calcutta Improvement Trust Act, 1911.

Clauses 150 *and* 151.—Under section 117 of the present Act the corporation may grant exemptions from paying taxes only

to persons who cannot pay them. The effect is that the corporation have practically no larger power in the matter than that which the standing committee already possess under section 17 (*d*), viz., the power to write off irrecoverable taxes. The place of sections 17 (*d*) and 117 is taken by clause 151. Clause 150 gives a real power of exemption to be exercised under the control of the Local Government.

Clause 152—merely covers Schedule IV, to which some of the provisions of chapters X to XVII, and the whole of chapters XVIII and XIX of the present Act, together with the existing Schedules VI, VII and X, and new subsidiary rules have been relegated.

Chapter VI.—Finance.

This chapter together with the schedule attached to it [Schedule V] combines four chapters of the present Act. Matters of detail have been relegated to the schedule.

Clause 153—reproduces part of section 110; the rest of chapter IX of the present Act has gone into the schedule.

Clauses 153 *and* 155—correspond with section 87 of the present Act.

Clauses 156 to 167—Loan provisions—reproduce sections 99—109, with some relaxation of the present restrictions. All loans at present require the sanction of the Government of India. Following recent amendments of the Calcutta Act it has been provided that the sanction of the local government will suffice when the loan is not more than five lakhs and is repayable within thirty years, and the objects for which loans can be raised have been made wider. Under the present Act money can be borrowed only for *permanent* works or to repay previous loans. *Permanent* has been omitted and *acquisition of land* has been added.

Clause 157.—The reference to 44 years as the ordinary period for repayment of a loan has been removed.

Clause 158.—The total amount of corporation loans under the corresponding section (102) is at present limited by restricting the annual amount for their service to 10 per cent of the annual rateable value of buildings and lands. The present drainage and water-works schemes cannot be financed without exceeding the present legal limit. The limitation provided in section 234 of the English Public Health Act, 1875, namely, that the principal of all loans should not exceed twice the annual rateable value, works out, taking the amount required for annual service at 6 per cent to 12 per cent, and English local bodies can borrow additional sums without reference to this limit for town-planning schemes [section 65 (3), English Housing and Town-planning Act, 1909].

Clauses 160 *and* 161—are new and are taken from the Calcutta Act as amended in 1914.

Clause 162.—A slight change has been made in section 104, merely relieving the local government of the nominal performance of an arithmetical operation.

Budget provisions, clauses 168 to 176.—Chapter VII of the present Act, with which these clauses correspond, give the local government complete control over the corporation budget. The Bill proposes, in the interests of decentralization, that the corporation should in future exercise full control over its budget, without interference from the local government, but subject to certain statutory restrictions, as in Bombay. The provisions of the Bombay Municipal Act have been generally followed.

Clause 168—combines section 125 of the Bombay Act and section 91 of the present Madras Act. In sub-clause (2) the reference to the Sanitary Commissioner and to sanitation and vaccination is omitted because as a matter of fact the Sanitary Commissioner is not consulted on these subjects. The words "of the poor" after "elementary education" have been advisedly omitted.

Clauses 169 to 171—are adaptations of sections 126, 127 and 129 of the Bombay Act. The most important restriction on the freedom of action of the corporation is that in clause 169 (2) (*b*) which requires them to maintain a minimum balance.

Clause 172—has no corresponding provision in the Bombay Act. Under the present Madras Act, section 95, the budget must be submitted to the local government not later than the third week in March or such date as may be notified. The council will now finally pass the budget themselves and it seems necessary to fix a date before which it must be passed.

Clauses 173 to 176 (1)—follow sections 130–4 of the Bombay Act with slight variations. For clause 176 (2) compare section 196 of the Bombay Act.

PART IV.—PUBLIC HEALTH SAFETY AND CONVENIENCE.

Chapter VII.—Water-supply, Lighting and Drainage.

Chapters XX, XXI and XXIV of the present Act are here combined because various provisions are common to water-supply, lighting and drainage, and it saves space and repetition and tends to clearness to frame common provisions (see clauses 207–210). For instance, the present Act, section 211, which deals with drainage, incorporates sections 202 to 206, which deal with water-supply, and applies them to drainage; but this incorporation is open to the usual objections to referential legislation that the application cannot be made with precision; for instance, section 204 gives the president power to carry a pipe for the water-supply of the city into any building as well as under it, but it may be doubted whether he should have power to carry a sewer into a building and whether this was meant. A number of sections of the present Act on the subject of water-supply and drainage have been omitted from the Bill and transferred to a set of model by-laws: sections 194 (3), 195, 321, 206, 207, 320. 212, 213, part of 214. Section 199 has been omitted on the ground that the Code of Criminal Procedure and section 463 sufficiently cover the case.

Clause 177.—This is section 201 of the present Act slightly redrafted, and combined with section 209. The reference to "property of government" has been altered to a reference to "property vested in the government." The old wording is probably based on the view that government property cannot be private property. But, this Bill distinguishes throughout between the private property of government and the public domain. In any case, even if a water-supply tank is the property of government, there seems to be no reason why it should not be made to vest in the corporation. Vesting for the purposes of the water-supply is not the same thing as the transfer of the proprietary right.

Clause 178 is section 200 of the present Act slightly modified.

Clause 179.—Sub-clauses (1) and (2) are a reduced version of section 192 in the present Act. Sub-section (2) has been omitted because it has been decided to abolish the distinction between populous and non-populous parts of the city and the exact distance of stand-pipes from houses may well be left to by-laws.

Clause 180—reproduces section 198. Land *vested in* the corporation is referred to as well as land *belonging to* the corporation in view of the distinction between corporation public and private land drawn in this Bill.

Clause 181.—This is a general statement of principle which is worked out in the by-laws and regulations. A draft of by-laws under this chapter has also been prepared and the provision for making water-supply and drainage by-laws in chapter XIV has been made wider to cover them.

A comprehensive power to make by-laws will save introduction into the Act of numerous and complicated provisions which would probably be found defective in practice and require frequent amendment. The drainage sections in the Bombay Act are much more complete than those in the Madras Act but nevertheless gave considerable trouble to the commissioner in 1905, and the work of improving the Bombay drainage system had to be hung up until the local government found time to get the Act amended.

Clause 182, *sub-clause* (1).—This is section 193 (1) amplified by a reference to the by-laws and by a proviso suggested by special engineer Mr. Madeley.

Sub-clause (2).—There is at present no provision for forcing water-supply on private persons. This power is vested in the sanitary authorities in England by section 62 of the Public Health Act, 1875, which has been followed in section 271 of the Bombay Act and section 253 of the Calcutta Act.

Sub-clause (3).—This appears to be a reasonable corollary of sub-clause (2) and there is a similar provision in the English Public Health Water Act, 1878, section 6. An appeal to the standing committee has been provided in chapter XVI.

Sub-clauses (4) *and* (5) reproduce provisions in section 193 (1) and (3) of the present Act, except that the power to determine what is a reasonable maximum for gratuitous water-supply has been transferred from the president (commissioner) to the standing committee and an addition has been made to the effect that owners must pay the cost or hire of meters.

Explanation.—The expression "supply of water for domestic consumption" was used in the English Water Clauses Act of 1847, section 53, and defined in section 12 of the English Water Clauses Act, 1863. Thence the definition found its way into several Indian Acts. This Government's Bill of 1903 proposed to omit the definition, but it was re-inserted under instructions from the Government of India who observed that much litigation had arisen from doubts as to the exact meaning of "domestic purposes." It has been decided in English cases that the supply for domestic purposes includes a supply for watering a horse and washing a carriage, a stable attached to a house and used solely for the accommodation of the occupier (Pushby *v.* Chesterfield Waterworks Company, 1858); for washing a motor-car used by a medical practitioner for the purposes of his profession (Harrowgate Corporation *v.* Mackay, 1907); for warming business premises and cleaning a house for the purposes of a resident caretaker (Smith *v.* Muller, 1894); for a fixed bath (W. Eaves *v.* Cardiff Corporation, 1893); and to a boarding house for the use of the inmates (Pigeon *v.* Great Yarmouth Waterworks Company, 1902); for a swimming bath for the use of the occupier of the house and his family though not for a swimming bath for a school (Barnet Castle Urban District Council *v.* Wilson). The explanation has been re-drafted and amplified with these cases in view. The existing clause (*e*) is omitted because watering streets is too obviously not a domestic purpose. Clause (*f*) "for flushing purposes" has been revised and the re-draft says that flushing water-closets and latrines is to be considered a domestic purpose. What exactly is meant by "flushing purposes" in the present Act is not clear; but probably the draftsman was thinking of the flushing of streets and yards. The expression was taken from the Calcutta Act, section 3 (15) (*g*).

Clause 183.—This re-produces sub-sections (1) and (2) of section 194. Sub-section (3) is omitted as superfluous or matter for by-laws.

Clause 184.—There is no corresponding provision in the present Act, but as a matter of fact there have been disputes between the Port Trust Board and the corporation about the supply of water and Government have had to decide between these bodies (G.O. No 1108 M., dated 6th August 1900).

Clause 185.—This also is new; but Government have had to decide disputes between the corporation and the military authorities about water (G.O. No. 562 M., dated 19th March 1907) and the Public Works Department also pay for water supplied to cemeteries.

Clause 186.—This is new; there is a similar provision in the Bombay Act, section 288.

Clause 187.—The most effective way of enforcing all water-supply by-laws and regulations is to cut off the supply. There is a very brief section on the subject in the Madras Act at present, section 196. It has been made much more comprehensive. Section 279 of the Bombay Act and section 283 of the Calcutta Act may be compared. Section 195 has been transferred to the by-laws; section 197 has been omitted chiefly because a pipe has been substituted for the old channel. Sections 206–7 have also been omitted as matter for by-laws.

Clause 188.—This is a new provision proposed by special engineer Mr. Madeley in paragraph 11 (4) of his draft. It is based on section 13 of the English Water Clauses Act, 1863.

Clause 189.—This is section 290 (1) of the present Act; 290 (2) has gone into the general clause 207. The council have, in the interest of decentralization, been given full power to decide what means of lighting should be used, without interference from Government.

Clause 190 re-produces section 209 of the present Act.

Clause 191.—This re-produces the first sub-section of section 208. Sub-section (2) seems unnecessary as it merely declares the existing law of nuisances, and has been omitted.

Clause 192.—This is the existing section 227 to which a reference to by-laws and regulations has been added to remove any doubts there might be as to the validity of such subsidiary legislation. The words "unless the council direct otherwise in any case" have also been added before "at the expense and charge of the owner," because it may sometimes be more convenient for the corporation to undertake such expense themselves.

Clause 193, *sub-clause* (1).—This is section 214 with an added reference to owners of private streets. The distance has been reduced from 150 to 100 feet on the analogy of the English law and of the Bombay and District Municipalities Acts.

Sub-clause (2).—This is section 218 of the present Act slightly re-drafted.

Sub-clauses (3) *and* (4).—These have been inserted on the model of sections 232 and 234 of the Bombay Act on the suggestion of special engineer Mr. Madeley in paragraphs 13 and 17 of his draft.

Clause 194.—This is also from the Bombay Act, section 233, and Mr. Madeley's paragraph 15. It is of great practical importance because the corporation are now insisting on separate rainwater and sewage drains. If the corporation carry out the work at their own expense, it will cost them some 17 lakhs. The Bombay provision is not quite clear, but it would appear that the expense falls there on the house-owners. The words "at his own expense" have been inserted in clause (*b*) to make this plain. In England the corresponding provision is section 24 of the Public Health Act, 1875. This only covers clause (*a*) of Bombay section 233 and not clause (*b*). The matter in clause (*b*) which has become such an important provision in Madras would be covered in England by by-laws under section 157 of the Public Health Act —*vide* Encyclopædia of local Government law, volume 6, page 289 and the expression of opinion by Ridley, J., in his judgment in 2 K.B., 540 (Mathews *v.* Strachan). The calculation of the cost of 17 lakhs if the expense is thrown on the corporation is given in paragraph 217 of Mr. Madeley's drainage report.

Clause 195.—This is section 220 of the present Act amplified as suggested by Mr. Madeley on the lines of section 232 (*a*) of the Bombay Act, which was inserted

by Bombay Act V of 1905. The distance has been reduced, as in clause 193, from 150 to 100 feet.

Clause 196.—This is Bombay section 230 inserted as suggested in Mr. Madeley's paragraph 11. An appeal to the standing committee has been provided in Chapter XVI.

Clause 197.—This is taken from Bombay Act, section 238, on the suggestion of Mr. Madeley in his paragraph 21. An appeal to the standing committee has been provided in Chapter XVI.

Clause 198.—This is section 216 of the present Act amplified on the lines of section 223 of the Bombay Act as suggested by Mr. Madeley in his paragraph 5. Section 216 of the present Act overlaps section 247 of the present Act.

Clause 199.—This is section 217 of the present Act.

Clauses 200–202.—These are sections 221–223 of the present Act. The references to urinals have been omitted in view of the definition of "latrine" inserted in the interpretation clause.

Clause 203.—This is section 224 of the present Act. The words "or remove from an unsuitable to a more suitable place" have been inserted and the words "six or more" cut out on the suggestion of the Health officer.

Clauses 204–205.—These are sections 225 and 226 of the present Act with verbal alterations.

Clause 206 generalises section 224 (2).

Clauses 207–210.—Certain general powers are required for carrying out works in connexion with the water-supply, drainage and lighting systems. The provisions on the subject are at present scattered and it seems desirable to put them all in one place. This also results in some saving of words. *Cf.* Punjab Municipalities Act of 1911, sections 132 to 135.

Clause 207.—This combines provisions in sections 202, 204, 205, 211, 289 and 290 of the present Act. The section has been made comprehensive; it covers, for instance, the following requirement of the corporation engineer:

"Provision should also be made empowering the corporation to erect or fix brackets for wires, lamps, etc., on any pole or post not belonging to the corporation, where such use of the pole or post does not interfere with or injure the purpose

for which it is used by its owner. At present we are fixing lamps to the Madras Electric Supply Corporation's over-head mains; but we have no right to do so and only use them with their permission and paying a rental therefor. Also they are subject to removal."

Clause 208 lays down the general principle that no house connexions with municipal mains can be made without permission. The conditions on which such permission should be granted will be laid down in drainage, water-supply and lighting by-laws. There is no general section in the present Act, section 215 applying only to drains, but section 135 of the Punjab Municipalities Act is drawn on the same lines. The clause may be considered superfluous, but is inserted because it will cover many provisions in the proposed by-laws and possibly remove doubts as to their reasonableness or legality.

Clause 209.—This reproduces section 210 of the existing Act in a wider form suggested by Mr. Madeley. Railway under the definition thereof includes tramway.

Clause 210 combines provisions in sections 200, 202 and 211 of the existing Act and adds a reference to sewage farm lands and also to lines of posts and wires.

Chapter VIII.—Scavenging.

This chapter is chapter XXV of the present Act where it is described as "sanitation" and not as "scavenging". The present Act, following the Calcutta Act, places it after the provision on lighting (chapters XXVII and XXVIII of the Calcutta Act). Scavenging has more affinity with drains and latrines than with lights, and the scavenging provisions have accordingly been placed next to those on drainage in the present Bill.

The present Madras Act of 1904 copies the scavenging provisions of the Calcutta Act of 1899 nearly word for word. The title "sanitation" was however retained to describe them and the Calcutta word "scavenging" was not adopted. In this slight departure from this model an error appears to have been committed. In very primitive times scavenging may have been the whole of sanitation; but now it is only a branch of sanitation. The chapter has therefore been entitled "Scavenging."

The President of the Corporation has submitted detailed proposals for amendment drafted by the Health Officer. The Health Officer criticises the present provisions for an alleged want of uniformity. The distinction between offensive matter other than sewage and sewage should, he considers, be abolished and obligations should be laid uniformly on both owner and occupier.

The Calcutta provisions are open to no objection from the drafting point of view. The draftsman purposely laid certain obligations such as that of the collection and removal of rubbish and offensive matter on occupiers only. He also purposely provided for public places for the deposit of rubbish and offensive matter, carcasses and sewage; he also provided for private receptacles only for rubbish and offensive matter. The material objects of the scavenger's calling he distinguished as (1) rubbish, (2) offensive matter, (3) sewage, (4) carcasses of dead animals, (5) sewage from drains, latrines and urinals which are not connected with a drain, (6) filth, (7) offensive liquid matter, (8) night-soil: and each of these terms is used in the appropriate place intentionally.

But this subtlety of distinction, however admirable from the theoretical point of view, is objected to by the Madras Health Officer on the ground that it causes him practical difficulties in his work. He may order people to collect all or any kind of offensive matter which is not sewage for his scavengers to take away, but cannot make them put the sewage in a convenient place. He can prosecute both the owner and the occupier of premises for keeping night-soil, rubbish or other offensive matter otherwise than in the proper receptacle under section 300 (5). But under section 293 (3) he cannot direct the owner of premises to collect these things and he can only direct the occupier to collect rubbish and offensive matter but not sewage.

The sections have been re-drafted in accordance with the requirements of the Health officer. The corporation executive is given the option of proceeding against either the owner or occupier throughout and the terms in which the material objects of the scavenger's calling are described are reduced to two, namely, filth, which is defined in the interpretation clause as including sewage and all other offensive matter, and secondly, rubbish, which will include dust, ashes, broken bricks, mortar, broken crockery and glass and such things.

Clause 211.—This is section 292. "Offensive matter and sewage" are replaced by the one term "filth."

Clause 212.—"Owner or" has been added before "occupier" where it occurs, "filth" substituted for "offensive matter" and "or other receptacle" added after "in a box or basket." It is not clear why the householder should be made to deposit filth only in boxes or baskets and not, say in steel drums or tin bins. The words "the entrance to" have been cut out of sub-clause (1).

Clause 213.—This is section 294. "Filth" is again substituted for "offensive matters" and "owner" added before "occupier." The provision has been widened by substituting "or in any way so that" for "in the course of which" after "manufacture, trade or business."

Clause 214.—This is section 295. "Owner" has been added before "occupier" and "filth" substituted for "sewage from a latrine or cess-pool therein or thereon or offensive matter."

"Premises" has also been substituted for "building or land." Premises is used in sections 293 and 294. Section 295 is the only section in this chapter which was not copied from the Calcutta Act. It was copied from section 218 of the Madras District Municipalities Act. Hence probably the use of "building or land" in this section instead of "premises."

Clause 215.—This is section 296. "Public" has been added before "streets" in clause (*a*). The Health Officer considers that the obligation of conserving private streets and hutting grounds should not be laid upon the corporation and the word "conserving" has also been added after "draining" in clause 233 (1) (*c*) in order to place the obligation on private parties. "Owners or" has also been inserted in sub-clause (ii).

Clause 216.—This is section 297.

Clauses 217 *and* 218.—These are sections 298 and 299. The only change is that "rubbish" and "filth" have been substituted for other expressions.

Clause 219.—This is section 300. "Rubbish and filth" have been substituted for other expressions. In sub-clause (1) "premises occupied by him" has been altered to "any premises," because obligations are now laid on owners as well as occupiers. In sub-clauses (5) and (6) "premises" has been substituted for "building or land" and "any place belonging thereto" for the "roof thereof or any out-building, yard, pavement or verandah, attached to, or belonging to, such building or such land." Enumerations are never complete and the term "place" covers more particular places than any enumeration of particular places.

Chapter IX.—Streets.

Chapter IX of Part IV of the Bill is chapter XXII of Part V of the Act of 1904. The Bill has a smaller number of subdivisions. As Thring observes (page 59, Practical Legislation) "It is a mistake to imagine that a mere mechanical subdivision into parts insures clearness, and in many recent Acts subdivision has been carried to excess." The Act of 1904 divides its 454 sections into 11 parts and 42 chapters. Its divisions are often mechanical; for instance the provisions regarding the general tax, the water and drainage tax and the lighting tax are put in separate chapters though this involves repetition and reference, these taxes being all parts of a consolidated property tax levied in the same way on the annual value of lands and buildings; again the provisions regarding licences are grouped in several chapters, though the Corporation has a single licence department under a licence superintendent.

The chapter is, however, in this instance, less comprehensive than chapter XXII of the original Act, because the provisions (sections 256–259) for dangerous buildings, trees, tanks, wells, and holes have been excluded from it. These go more properly with those in chapter XXVI (Inspection and Regulation of places) of the Act which has become in the Bill chapter XI (Nuisances).

For the rest no great alterations have been made in the remaining provisions (sections 228–255).

Clause 220.—This is section 228 of the present Act. The words "the property or" in brackets have been omitted, because this Bill employs throughout a distinction between public property administered by public bodies and their patrimonial property, and a *public* street cannot be the patrimonial property of Government, though Government may reserve control over it.

Clause 221.—This is section 229 of the existing Act without change except that "Corporation" is used here, as throughout the Bill, in a more definite sense than in the existing Act, and that a somewhat unintelligible reference to "purposes" not previously mentioned has been removed in favour of an addition of the word "thereto" after "improvements."

Clause 222.—This is section 230 with some re-distribution of power among the different municipal authorities. For the substitution of *extend* for *enlarge* compare clause 224 (1) (*a*).

Clauses 223 *and* 224.—These are sections 231 and 232 altered to harmonise with chapter IV of the Bill. The reference to the local Government in subsection (2) of section 232 has been removed in the interests of decentralization.

Clauses 225 *and* 226.—The corporation engineer notes "sections 295 to 301 of the Bombay Act may with minor alterations be embodied as they stand." The corresponding provisions of the Madras Act are sections 233–237. The subject is the preservation of regular lines of streets. The source of these and other similar Indian provisions appears to be sections 66–68 of the English Towns Improvement Clauses Act, 1847, and they are all similar. Bombay section 297 which has been recently amended seems on the whole preferable to Madras sections 233 and 234. It provides that when a fresh line is prescribed—a case not contemplated in our section—the council shall have a voice in the matter. Following Bombay, and on the recommendation of the corporation, the initiative under clause 226 has been transferred from the standing committee to the commissioner.

Clause 227.—This corresponds with section 235 of the present Act. The word "written" before "notice" in the present Act was surplusage with reference to section 430 and the word "wall" with reference to the definition of "building" in section 3 (3). Apart from these trifles, the drafting of the whole section, which was taken from the Calcutta Act in 1904, appears to be somewhat unhappy. The Bombay section 298 appears to be better drafted and has been followed for the first three clauses. The initiative is transferred from the standing committee to the commissioner.

Clause 228.—This is section 236, but a compulsory power to cause buildings to be set forward has been added in the case of construction or re-construction (a technical term in this Act) following section 300 of the Bombay Act. Our Act simply reproduces section 66 of the English Towns Improvement Clauses Act, 1847, and the time has perhaps

come to make a small step forward. Here again powers are transferred from the standing committee to the commissioner, on the recommendation of the Madras Corporation.

Clause 229.—This reproduces section 237 of the present Act. The words "and walls" in sub-section (4) have been removed with reference to the definition of "building" in clause 3 and the words "inclusive of space for foot-paths" with reference to the definitions of "public street" and "private street."

Clause 230.—This is section 238 (1). As recommended by the Corporation on page 7 of G.O. No. 1680 M., dated 12th October 1911, sub-section (2), which places the president under the control of the standing committee in the matter of watering streets, has been omitted.

Clauses 231 *and* 232 reproduce sections 240 and 241 of the present Act. The words "to traffic" have been added after "close" in clause 211.

Clause 233.—This is sections 242 and 243 of the present Act. "Conserving" has been added after "draining" in clause (*c*) at the suggestion of the Health Officer, who observes that there is at present no power to enforce conserving in hutting grounds and the like. A corresponding alteration has been made in the re-draft of section 296 (clause 215), where "public" has been inserted before "streets" thus throwing the duty of conserving private streets on their owners.

"Direction" has been added in sub-clause (1) (*a*): the direction of a new street is of some importance for town-planning purposes.

In sub-section 4 (ii) "this Act" has been altered to "the Act, rules and by-laws" since the reference is not to the Act alone and the added words were omitted by the draftsman of the present Act by oversight.

"Application" has been substituted for "notice" as being the more appropriate word. The commissioner sends out *notices* but receives *applications*.

A proviso has been added at the end to protect the public against inordinate delays on the part of the municipal executive. There is a similar proviso to section 267 of the present Act. It was probably omitted here by the oversight of the draftsman.

Clause 234.—This is section 244 of the present Act. The corporation, following section 306 of the Bombay Act, propose that the commissioner should have power to act without the sanction of the standing committee, and the provision has been altered accordingly.

"Written" before "notice" was superfluous with reference to section 430, and sub-section (2) superfluous with reference to the general sections 442 and 443 of the present Act.

Clauses 235 *and* 236.—These are sections 245 and 246 of the present Act. "Conserved" has been added in each at the suggestion of the Health Officer. See note on clause 233.

Clause 237.—This is section 247.

The words "or projection over any street" have been added and the words "in or over any drain" which overlap clause 198 have been removed.

Clause 238.—This is new. Under the Madras District Municipalities Act the executive has this power. The present section 263 is a building regulation and only applies to new buildings. The Bombay Act, section 311, Calcutta Act, section 469, may be compared.

Clause 239.—A general reference to prescriptive right has been substituted for the reference to 1st November 1865 (date of first Municipal Act dealing with encroachments).

The words "and in or over any street" have been substituted in sub-clause (1) for "in any public street" The Bill also substitutes "situated" for "made" because "made" might be read as "newly made". The period of grace of thirty days has also been cut out. The Bombay Act, sections 308 and 309, the Calcutta Act, sections 340 and 341, the Madras District Municipalities Act, section 167, do not lay down how much time should be allowed in the notice to remove, and there may be cases in which it would be very inconvenient to allow an encroachment to stand for thirty days. The licence superintendent also notes that the limitation causes difficulty in practice, "Public" has been removed before "street" in this and the next clause because it is considered that private streets should also be subject to control in these matters.

Clause 240.—This is section 249. In clause (*a*) a provision for arcades has been inserted. Arcades are to be encouraged

in a tropical climate. Sub-clause (2) is new. A precedent for power to remove without notice will be found in section 314 of the Bombay Act. The corporation engineer has felt the want of this power.

Clauses 241 to 244 are sections 250—253 of the present Act They are sections 79 to 82 of the English Town Clauses Act, 1847, in rather simpler language. Sub-clause (3) has been added to clause 243 on the model of section 172-A of the Madras District Municipalities Act. The Madras City Police Act makes no adequate provision for the case.

Clause 245.—Sub-clauses (2) and (3) reproduce section 254 of the present Act. Sub-clause (1) has been added because it is the council and not the commissioner who should name streets.

Clause 246 reproduces section 255 of the present Act. The word "written" before "notice" in section 255 is superfluous with reference to section 430.

Chapter X.—Building Regulations.

Clause 247.—Schedules XI and XII of the existing Act are amendable by Government (section 413) and it is considered unnecessary to swell the bulk of the Bill with detailed building rules. Power is therefore taken to issue the rules separately.

The reference to the commencement of the Act of 1904 in section 260 has been omitted as spent.

Clause 248 replaces section 261. The words "At the instance of the standing committee" near the beginning have been removed and the reference to the local government and the second reference to the corporation have gone out in the interests of decentralization and sub-clause (1) has been made wider in order to give the corporation control over the location of factories, etc.

Clause 249.—This is a new provision introduced on the model of the English Public Health Act, 1907, section 22. For the principle of sub-clause(3) compare section 231 (2) of the present Act.

Clause 250.—The corresponding section of the present Act (262), standing where it does, is clearly a building regulation and is limited in its application to buildings constructed or re-constructed after the Act came into force. In 1911 the President prosecuted a person for failing to take out a licence to keep a pandal having an external roof covered with inflammable materials. The municipality was unable to prove that the accused constructed the building. He was acquitted. Government appealed under section 417, Criminal Procedure Code. The High Court dismissed the appeal. The corporation then proposed that the section should be re-drafted as follows:—

"(1) No external roof, verandah, pandal or wall of a buildiug shall be made, erected, built, repaired or renewed, of grass, leaves, mats, or other inflammable material after the commencement of this Act except with the written permission of the President.

"(2) The President may by written notice require the owner of any building having at the commencement of this Act, any such roof, verandah, pandal or wall, whether made, erected or built, with or without any previous permission to remove or alter such roof, verandah, pandal or

See G.O. 1803 M., 30th September 1912.

wall or grant permission in writing to such owner to retain such roof, verandah, pandal or wall on such terms and conditions as he may consider necessary."

A clause on the lines of the Corporation's draft sub-clause (1) has been inserted here, but building regulations are not the proper place for a retrospective provision against danger from fire. A clause on the lines of the corporation's draft sub-clause (2) has been reserved for the next chapter. Here for the ambiguous word "made" which may mean either "constructed" or 'composed of" the words "constructed or re-constructed" have been substituted.

Written permission was unnecessary with reference to section 430.

Clause 251.—The present section 263 here also uses the ambiguous word "made"; and it has been made clear that the provision is a building regulation by using "constructed or re-constructed." To give power to deal with *old* cases causing inconvenience a clause has been inserted in the chapter on "Streets (clause 218)".

Clauses 252–274 reproduce the existing sections, except section 289, which has been included in the general clause 207; and sections 271 (5) and 283 (4) which appear to be superfluous.

"Declaration and order" have been added in clause 262 (1) (*b*), "or any room therein" after "building" in clause 272, proviso; "written" has been removed from clause 254 with reference to clause 386, "building" has been substituted for "premises" and "part" for "wall" in clause 271 with reference to the definition of "building"; clauses 250 and 269 have been amended to make it clear that a building licence may be refused when the site is unsuitable; clause 264 has been re-drafted in the form adopted for the Madras Hill Municipalities Act, 1907; in clause 273 it has been provided that the commissioner may stop the construction of a building until his orders are complied with, that he may modify his orders after hearing the owner, and may issue orders to the builder as well as the owner (compare sections 287 and 424 of the present Act, which are inconsistent on this point); and other small drafting corrections have been made.

Chapter XJ.—Nuisances.

This chapter corresponds with chapter XXVI, Inspection and Regulation of Places, in the present Act, together with a few sections on dangerous buildings, etc. (256—259), now included in the chapter on streets.

Clauses 275 and 276 are a re-draft of sections 256 *and* 257 of the present Act which have been the subject of much criticism. The source of these sections and of the similar provisions in other Indian Municipal Acts is sections 75—78 of the English Towns Improvement Clauses Act, 1847. The English provisions deal with buildings or walls or anything affixed thereto. The Bombay draftsman (section 354) substituted the general word "structure". The Madras draftsman both here and in section 183 of the District Municipalities Act has "building or tree or thing" attached thereto; and gives power to *take down, fence, secure and repair*, as in the English Act. The language of the English Act applies correctly to buildings, but is not adapted to trees. Power is wanted rather to *prop* or *lop* or *cut down* a dangerous tree or branch or to remove jack fruit or cocoanuts that are likely to fall upon people's heads. Further our Acts give no power to order evacuation of dangerous buildings; but if a house is likely to come down, the first thing to be done would seem to be to clear the people out of it. Further, section 257, following the English Act, requires the President to wait three days before he can act in default of the owner. If a structure or tree is imminently dangerous the commissioner should have power to take temporary measures at once. It does not seem necessary to bring the occupier into these clauses. The person responsible for unsafe buildings and trees is the owner.

Clause 277.—Section 259 of the present Act comes from the Town Clauses Act, section 83, which has also been embodied in section 329 (1) of the Bombay Act. Here too, it is necessary to provide for the case in which immediate action is necessary, and sub-clause (2) has been added. *Cf.* Bombay 329 (2). Provision is made for orders only to the owner. The owner is the person primarily responsible for preventing danger to the public from his buildings, trees, tanks, etc. The occupier can, if necessary, take action under section 439 of the Act and

recover the expense from the next instalment of the rent. The owner is protected against any obstruction on the part of the occupier by section 438.

Clause 278.—Sub-clause (2) is section 326 brought in here from an inappropriate place among licensing provisions. Sub-clauses (1) and (3) are new.

Section 262 of the present Act, which relates to the same subject as sub-clause (1), is only a building regulation; but it is necessary to provide against fire from the use of highly inflammable materials in existing buildings, and the Corporation have proposed the addition of a sub-section to section 262 with this object [G.O. No. 1803 M., dated 30th September 1912]. Such a provision would seem to be better placed in this chapter than in the chapter on building regulations (see note on clause 250). It has been extended to temporary booths and tents.

Sub-clause (2), though new, seems necessary especially in view of the spread of cinematograph shows. The commissioner of police has power to make rules for the public safety at all places of public entertainment or resort under section 39 of the City Police Act, 1888, but probably this power would be held not to extend to ordering structural alterations. For a precedent see the regulations under the English Cinematograph Act, 1909, and section 36 (1) of the Public Health Act, 1890, which runs:—

"36. (1) Every building which after the adoption of this part of this Act in any urban district is used as a place of public resort shall to the satisfaction of the urban authority be substantially constructed and supplied with ample safe and convenient means of ingress and egress for the use of the public, regard being had to the purposes for which such building is intended to be used and to the number of persons likely to be assembled at any one time therein."

Clause 279.—This is new. At present no permission is required to dig a tank or well. Now that there is a pipe-water supply, to assist in the prevention of malaria, as well as for other sanitary reasons, it is desirable to limit tanks and wells. Bombay inserted a similar section (381-A) in their Act in 1913 with reference to malaria. Appeal to the Standing Committee has been provided in chapter XVI.

Clause 280.—This is a new provision which follows section 382 of the Bombay Act.

Clause 281—covers sections 302 and 303 of the present Act and serves also as a special malaria section. The first two sub-clauses are taken with variations, from the Bombay Act, section 381, as re-enacted in 1913. For the Bombay clause (*e*) "any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling-house" has been substituted the more comprehensive "(*e*) any land on which water may at any time accumulate." The Corporation officials observe that the hundred yards' limit would hamper their anti-malarial operations in Madras, which, unlike Bombay, has wide open spaces. Sub-clause (3) is taken from section 228-A of the Madras District Municipalities Act.

Clause 282.—This is section 301 of the present Act except that "or fill up" has been inserted in sub-clause (2) (*b*) at the suggestion of the President of the Corporation and power to require a *substantial* wall or fence has been given at the request of the same officer.

Clause 283—reproduces section 304.

Clause 284.—Section 311 of the present Act gives the President the power, with the sanction of the Local Government, to prohibit fishing in rivers. The reference to the Local Government has been removed in the interests of decentralization. The Health Officer proposes that power should also be given to prohibit the washing of animals or clothes. Power has been given both to *regulate* and prohibit fishing and washing animals and clothes.

Clause 285.—This seems to be the proper place for section 319 of the present Act, which has been inserted here with slight amendments.

Clause 286.—This is section 305.

Clause 287.—The words "and in such manner as" have been added to section 306 at the suggestion of the Health officer.

Clause 288.—This is section 239 which appears to be out of place in its present position. Sub-section (2) of section 239 has been omitted because provision has been made for immediate cutting of dangerous trees in clause 276 and it is not clear how the trimming of a hedge can be urgently requisite for the public safety. Sub-clause (*b*) and the words "or the view of traffic" in sub-clause (*c*) have been inserted at the suggestion of the President of the Corporation. Power

has been transferred to the Commissioner from the standing committee with reference to the Corporation's recommendation on page 7 of G.O. No.1680 M., dated 12th October 1911.

Clause 289—reproduces section 307. At first sight section 307 appears to overlap section 285 in the building regulations. But the object of section 307 is sanitary, of section 285 æsthetic.

Clause 290—reproduces section 308. The provision of the District Act, 187, corresponding with section 308, has been considerably criticised in respect of the uses of the narrow word "block," the *affixing* instead of *service* of a notice, the provision as to compensation. "Block" appears to be an unhappy expression as it properly means buildings attached together. "Block or group" has been substituted, the provision regarding notice has been re-drafted; and the compensation provision has been re-drafted on the lines of section 38 (8) of the English Housing Act of 1890. The clause has also been made applicable to portions of buildings as well as to entire buildings.

Clause 291—is section 309 re-drafted with reference to recent legislation. Under the earlier English Housing Acts, which were followed by draftsmen of Indian Acts, an order to close a house unfit for human habitation could only be made by a magistrate. Under the Housing Act of 1909 the local authority can itself make closing and demolition orders, and Bombay followed suit in 1911 amending section 378 of the Bombay Act. It has also been provided that action may be taken in respect of insanitary portions of buildings. The absence of such a provision has been felt in Bombay.

Clause 292—reproduces section 310 of the present Act. "Public" has been omitted before "building or hut" as unnecessary.

Clause 293.—Sub-clause (1) generalizes sub-sections (1) and (3) of section 258. Sub-sections (2) and (4) of section 258 appear to be unnecessary. Sub-clause (2) is new and is modelled on section 185-A of the District Municipalities Act.

Clause 294.—This is new. It seems necessary to enact that compensation shall not be payable to persons compelled to take proper order with their dangerous and insanitary possessions. In the absence of express provision the courts might hold otherwise.

Chapter XII.—Licences and Fees.

The corporation has a special department for licences under a licence superintendent. It is convenient to collect the main provisions about licences in one chapter. This chapter contains provisions of chapters XXVII—XXX and XXXV of the present Act.

There is a general section (426) on licences in part X of the present Act. That provision has been amplified in clause 382 of this Bill, partly in order to save some repetition in this chapter. Sections 314 (3), 322 (3), 325 (4) and 333 (3) provide that "every order refusing to grant a licence shall state the grounds on which it proceeds" with regard respectively to places used for keeping animals, for dangerous and offensive trades, depots for combustibles, and slaughter-houses. This provision has been generalized and applied to all licences by placing it in the general clause on licences. Again the amending Act of 1911 added to sections 331 and 334 (*a*) the following sub-section: "The President may farm out the collection of such fees for any period not exceeding one year at a time on such terms and conditions as he thinks fit." This also has been generalized by inclusion in clause 382.

Again, sections 314, 322, 325 and 327 contain provisions exempting Government from taking out licences in respect of places in which animals are kept, dangerous and offensive trades, and combustibles. This principle also is susceptible of generalization and the best place for it seems to be the head of this chapter.

Clause 295—accordingly generalises the principle last mentioned.

Clause 296.—This is section 312, but "filth" has been substituted for "offensive matter or sewage" for the reasons explained in the notes on the chapter on scavenging.

Clause 297.—The City Municipal Act contains no provision for the destruction of stray dogs, but only of stray pigs. The Health Officer wants power to destroy stray dogs. Section 313 has been amended accordingly. The Police already have the power under section 29 of the City Police Act.

Clause 298.—Section 314 has been generalized to include all quadrupeds kept for purposes of profit. It is not clear, for instance, why camels should be excluded, or, for the matter of that, tigers, except that no municipal licence need be taken out for a circus or show of animals where a licence is required under section 34 of the City Police Act, which runs :—

"No enclosed place or building having an area of five hundred square feet or upwards shall be used for public entertainment or resort without a licence from the Commissioner."

The language has been simplified, *e.g.*, "stable" covers "livery or hack stable."

Sub-section (3) goes out because it is generalized in clause 383, the first proviso because generalized in clause 295, and second proviso because it has been decided to do away with the distinction between populous and non-populous parts of the city and because, as the Health Officer notes : "no limitation of number ought to be defined." A man who keeps goats or pigs for profit as a regular business may accidentally have the number reduced below six, but on principle he should take a licence and one pregnancy of his sow may restore the figure.

Clauses 299 and 300 reproduce sections 315 and 316. The word "written" has been cut out before "notice" with reference to clause 392.

Clause 301.—This is new. The Corporation propose to set up public cow-houses in order to secure a pure milk supply.

Clause 302 reproduces section 317. The explanation is new. The Calcutta Act has—

"458. (4) The word "animal" in this section includes an elephant, camel, horse, mule, donkey, horned beast, sheep, pig or other large animal"; but it seems necessary to state rather what "animal" excludes than what it includes.

Clause 303.—From section 317 the Bill jumps to section 322. Section 318 has been placed in this chapter of the Bill with later sections about washing (clause 308), section 319 with other provisions in the previous chapter about the sanitary control of the general water-supply (clause 285), and sections 320–321 in

their appropriate places among the provisions for the protection of the Corporation's water-supply works (water-supply by-laws).

"Every place used for any purpose specified in schedule VI" has been substituted for "any place used for any dangerous or offensive trade." The present Act schedules certain dangerous and offensive trades and "other purposes for which premises may not be used without a licence"; it gives in the interpretation clause a definition of "dangerous trade", which is not a real definition but a provision to give power to the local Government to declare what are dangerous trades. It deals similarly with "offensive trades." This is inartistic and cumbrous. It is an indirect way of giving the local Government power to amend schedule II of the present Act. It is simpler and more artistic to do without the definitions and to give express power to Government to amend the schedule and this is the course adopted in the Bill [see clause 364 (2)].

Sub-section (3) goes out because it has been generalized in the re-draft of section 426; the proviso because it has been generalized in clause 295. Sub-section (2) has been amplified with reference to the following note of the licence superintendent :

"The addition is necessary to authorize the issue of conditional licences when necessary."

Sub-clause (3) incorporates section 323 with the addition of "otherwise than in conformity with" before "such a licence" at the suggestion of the Health officer and for conformity with other clauses. The proviso to section 323 has gone into the general clause 382.

The power the President has, under section 322 of the present Act concurrently with the local Government to add to the list of trades requiring licences has been taken away.

Clause 304.—Sub-clauses (1) and (3) are the existing section 324 amplified to provide against smell, noise, vibration, dust, and floating particles as well as smoke. Sub-clause (2) is also new. A parallel to sub-clause (2) will be found in the Bombay Act, section 390 (2).

Clause 305.—This is new. Sub-clause (*b*) has been inserted because some rice-factories burn the by-products of rice for

economy, but with injury to the public health, unconsumed particles of husk escaping in large quantities from the chimneys.

Clause 306.—This is new. *Cf.* Bombay 393 and the English Steam Whistles Act, 1872.

Clause 307.—This is section 325, of which sub-section (4) and the proviso go out because reproduced in a generalized form elsewhere. Section 326 has been transferred to its appropriate place in Chapter XI among provisions about precautions against fire (see clause 278); section 327 goes out as the duty on timber and firewood brought into the city is proposed to be dropped; section 328 has been removed and bake-houses have been entered in schedule VI among other places requiring licences.

Clause 308.—Section 318 has been transferred here to the company of other provisions about washing-places.

Clauses 309–311 reproduce sections 329–331 of the present Act except that the function of settling slaughter-house rents and fees has been transferred, in the interests of decentralization, from the council to the standing committee and commissioner and that sub-clause (2) has been added to clause 309 on the model of section 331 (3).

Clauses 312–315.- Sub-section (3) of section 332 is now covered by general clause 382 and is therefore omitted. Words have been inserted in clauses 305, 314 and 315 with reference to suggestions from the Health Officer and licence superintendent to regulate cutting up of carcasses in hutting-grounds and horse-slaughtering. In clause 314 "or otherwise than in conformity with" has been inserted before "a licence" on the suggestion of the Health Officer.

Sub-sections (2) and (3) of section 334 have been omitted because they will be covered by the general clause 382. It does not seem necessary to lay down a special limit for this particular licence fee.

Clause 316.—This is new, but Bombay have recently felt the want of such a provision and have inserted one as section 412-A in their Act.

Clauses 317 and 318 reproduce sections 336 and 337 of the present Act. The reference to the local Government in section 337 (1) has been omitted in the interests of decentralization.

Clause 319 reproduces sections 342 and 340. "Otherwise than in conformity with" has been inserted before "a licence" as in other clauses (*Cf.* section 344). Sections 338, 339 and 341 have been omitted because the case is covered by the general provisions in Chapter IV of this Bill.

Clauses 320 and 321 replace sections 343–345 on which the corporation noted in 1911 as follows (page 16, G.O. 1680 M., dated 12th October 1911):—"The provisions of the Bombay Act (sections 402 and 403) should be adopted with the modification that the Commissioner should obtain the sanction of the standing committee for licencing a new private market."

Clauses 322–326 reproduce sections 346–350. In clause 323 (*a*) the reference to urinals has gone out in view of the definition of "latrine." The words "fishmonger or poulterer" have been added after "butcher" in clause 326 and a proviso on the lines of the proviso to section 191 of the Madras District Municipalities Act has been inserted.

Clause 327.—Power to licence and regulate sale and setting up stalls in the streets has been provided. The old section 351 only provides for absolute prohibition. Old section 409, which is now applied to levy a charge from persons setting up stalls in streets, has been omitted, but the charge would continue to be made under this clause.

Clauses 328–334.—These reenact the existing provisions in the Act for inspection of places of sale and for dealing with noxious or diseased food. Adulteration is dealt with under a separate enactment. Opportunity has been taken to remove some defects in the existing sections. Inspection may be by day or night and preventing inspection is made penal. Removing or interfering with any diseased or noxious article or animal secured by the Commissioner or under his authority has also been made penal.

Clauses 335–343.—Burial grounds, like places used for dangerous or offensive trades, are controlled by means of licencing provisions and Chapter XXXV of the present Act has therefore been transplanted here.

Words giving control to the Local Government have been struck out in clauses 336 and 337 (sections 387 and 395) in the interests of decentralization.

The power to close a burial-ground under section 386 (clause 335) has been transferred from the standing committee to the council. It is a matter of general public interest.

Other substantial alterations have not been made, but the sections have been re-arranged and re-drafted for greater conciseness and clearness. The present Act only deals with the provision of burial and burning grounds by the corporation by way of after-thought and has stuck this subject away at the end of chapter XXXV. Section 395 (clause 337) has been transferred to its proper place after sections 386 and 387 (clauses 335–336), and the general provisions which follow have been made to apply to corporation burial-grounds. The words "exists or" have been added before "has been provided" in clause 341 (1).

Section 385 has been omitted as spent and section 396 (2) as unnecessary.

It has been made clear that Government need not take out a municipal licence for a Government cemetery. Government maintain certain Christian cemeteries in Madras under the Government of India's Ecclesiastical rules and from Imperial funds.

References have been inserted to crematoria which the municipality or private persons may wish to construct in future.

Chapter XIII.—Vital Statistics and the Prevention of Disease.

This is the last chapter in this part of the Bill.

Chapters XX, XXI and XXIV have been combined in Chapter VII of the Bill; Chapter XXII has become Chapter IX; Chapter XXIII, Chapter X. Chapter XXV, Chapter VIII. Chapter XXVI, Chapter XI. Chapters XXVII—XXX and XXXV have all gone into the licences Chapter XII; Chapter XXXI, Food and drugs will be covered by a separate Bill. There remain Chapters XXXII, Restraint of infection, XXXIII, Vaccination, Chapter XXXIV, Registration of births and deaths, and Chapter XXXVI, Census.

Chapter XIII of the Bill and provision for rules for registration of vital statistics, holding the census and enforcement of compulsory vaccination cover the ground of four chapters in the present Act. These matters are all for the Health Department.

Clause 344.—Sub-clause (1) is new, though implied in the existing Chapter XXXIV. It lays down the principle that the registration of vital statistics is compulsory. The provisions for enforcing this principle have been relegated to rules.

Clause 345.—This similarly lays down the principle of a periodical census and leaves the procedure to rules. Section 362 of the present Act has gone into the Financial rules in schedule V of this Bill. The control of the Local Government under section 362 has been abolished in the interests of decentralization.

Clause 346.—The present Act gives the Local Government power to amend the list of "dangerous diseases" for the purposes of the Act by the rather clumsy expedient of inserting a provision giving the power in a definition of the term in the interpretation clause. It is not really a matter of interpretation. It is more artistic to provide for the matter in the appropriate portion of the Act.

Clause 347 corresponds with section 363 of the existing Act. On the suggestion of the Health Officer the words "or medical registrar of the district" has been added after "Health Officer." A provision for payment of fees for reports by private practitioners has also been inserted. Sub-clause (3) has been newly introduced giving power to the

commissioner to direct compulsory notification of dangerous diseases by the owner or occupier of the house.

Clauses 348 and 349 repeat sections 364 and 365 of the present Act.

Clause 350 reproduces section 366.

In sub-clause (1) " or an Assistant Health Officer " has been added at the Health Officer's suggestion and at the end of sub-clause (*c*) " or without medical supervision directed to prevent the spread of the disease." The Health Officer wants words to this effect and notes: " This " will include persons suffering from " dangerous diseases landing from ships " within city limits."

Clause 351.—This is section 367 of the present Act, without sub-section (3) which is covered by the general sections 442 and 443. The words " without notice " have been inserted in the last sub-clause for greater clearness.

Clause 352.—This has been inserted on the model of the Bombay Act, section 426.

Clauses 353 and 354 reproduce sections 368–369 of the present Act, section 369 (2) being omitted because covered by " otherwise dispose of " in section 369 (1).

Clause 355 has been inserted on the model of section 52 of the English Public Health Act of 1907.

Clause 356.—This reproduces sections 370 and 371. 370 (3) has been omitted as a simple case of abetment provided for in the Penal Code.

Sub-clauses (5) and (6) have been inserted on the model of section 233-B of the Madras District Municipalities Act, 1884.

Clauses 357 *and* 358 reproduce the existing sections 372 and 373.

Clause 359.—This is new and follows section 57 of the English Public Health Act, 1907.

Clause 360.—This is also nearly *verbatim* from the English Public Health Act, 1907 (section 59). " Infectious " is used as wider than " dangerous " which is defined in clause 346.

Clauses 361 *to* 363.—Vaccination has been compulsory in Madras under a Government notification for thirty years, but is not compulsory by statute. The procedure for enforcing compulsion is laid down in by-laws (printed on pages 163–165, Corporation Code). It is now proposed to deal with the matter here and by rules instead of by by-law.

Part V.—Subsidiary Legislation and Penalties.

Part V of the present Act has become Part IV of the Bill, Part VI (Railways) has gone out as superfluous (the subject-matter being sufficiently dealt with in the Financial rules in schedule V of this Bill, and in the Railways and Tramways Acts). Part VII (Acquisition and disposal of buildings and lands) has gone into Part II, Chapter IV of the Bill.

This Part V combines Part VIII (by-laws and rules) and Part IX (Penalties) of the present Act.

Chapter XIV.—Rules, By-Laws and Regulations.

Clauses 364–365 replace sections 413 and 414, which have been re-drafted in consequence of other drafting alterations. Clause 364 enumerates the provisions in which reference has already been made to rule-making powers. Sub-clause (4) is necessary because some of the rules contemplated, e.g., those for the enforcement of compulsory vaccination, will require the sanction of small penalties.

Clause 366.—This corresponds with section 409 of the present Act. The words " and shall if the local government so direct " have been omitted in the interests of decentralisation. It has been added that the by-laws must not be inconsistent with statutory rules. This seems necessary, e.g., if Government make rules under the Emigration Act for emigration depots, the Corporation must not make inconsistent by-laws under sub-clause (16).

Sub-clause (1) of section 409 has been omitted because provided for separately in clause 32 of the Bill, sub-clauses (2) and (3), because provided for in schedule V, sub-clauses (10) and (12) as being matter for drainage regulations rather than by-laws, sub-clause (18) for a similar reason.

Sub clause (3).—This takes the place of clauses (6), (8), (9) and (11) in the Act and has been drafted on consideration of, and to cover certain draft model by-laws.

Sub-clause (4).—This is new. Much inconvenience has been caused at Ootacamund by the want of such a provision (G.O. No. 811 M., dated 23rd May 1910)

in the District Municipalities Act. District boards have the power under section 152-A of the Madras Local Boards Act. As to the latter part of the sub-clause there is statutory provision in England for the protection of public parks, e.g., in the Royal Parks Act, 1872 ; and the omission of provision in the present Act for the protection of parks, street avenues, etc., seems to be a defect requiring remedy.

Sub-clause (5) expands 409 (7) of the present Act with reference to section 23 of the English Public Health Act of 1890.

Sub-clause (6) reproduces 409 (13) with verbal modifications necessitated by the drafting of the Bill.

Sub-clause (7) *is* 409 (14).—The words "and of places used for skinning and cutting up carcasses" have been added.

Sub-clauses (8) to (16) reproduce section 409 (15), (16), (17), (19), (20) to (24) of the present Act with slight alterations.

Sub-clause (17).—The corresponding section 409 (25) does not cover the present by-laws, which begin by defining "lodging-house" as including hotels, boarding-houses, choultries, rest-houses and unlicensed emigration depots, something of a stretch of the meaning of "lodging house" The Corporation have gone further in practice and have made keepers of places of refreshment take out licences under their by-laws. In some recent prosecutions (C.C. 9575-7 of 1914) before a Presidency Magistrate, the Magistrate threw out cases against toddy-shop keepers who sell and prepare meat to be taken with toddy on the premises on the ground that the premises were not "boarding houses in any sense."

Sub-clause (18) reproduces section 409 (26).

Sub-clause (19) is an expanded version of section 409 (27).

Sub-clause (20) reproduces section 409 (28). The Corporation have been given power to make by-laws for the registration of marriages, as well as of births and deaths. At Calcutta and Bombay the Corporations have this power—see section 559 (50), Calcutta Act, section 461 (*r*) Bombay Act.

Sub-clause (21) reproduces section 409 (29).

Sub clause (22) is new ; the Corporation have recently purchased a motor fire-engine.

Sub-clause (23) is new; but seems desirable for æsthetic reasons—compare the English Advertisements Act of 1907.

Sub-clause (24) is an expanded version of section 409 (30).

Clauses 367 and 368 are new. Building, drainage and water-supply regulations will not have retrospective effect without special enactment, but in the interest of public health it seems desirable to give this retrospective power so far as it has been given in England by section 23 of the Public Health Act of 1890.

Clause 369 corresponds with section 410. The limit of the fines that may be provided by by-law has been raised to the figure provided in section 255 of the Madras District Municipalities Act. It is anomalous that district municipalities should be able to prescribe fines of Rs. 50 but the Madras City Corporation only of Rs. 20.

Clause 370 reproduces section 411 of the present Act.

Clause 371 reproduces section 412. The words "two or more of the" between "in" and "local newspapers" have been omitted with reference to section 434 (clause 390).

Clause 372 reproduces sections 415—417 of the present Act with a few small amendments.

Clause 373 has been inserted on the model of section 188 of the English Public Health Act, 1875. Provision for the framing of regulations by the local government, council, standing committee or commissioner has been made in clauses 14, 32, 94, 107, 131, 142, 181, 182, 192, 193, 284, 292, 298, 303, 304, 307, 312, 325, 327, and schedule V, rule 27. The subjects and authorities empowered are—

Clause.	Subject.	Authority.
Clause 14	Service regulations of Commissioner.	Local Government.
Clause 32	Regulations for proceedings of council and standing committee.	Council and standing committee respectively.
Clause 94	Service regulations of superior officers.	Council.
Clause 107	Service regulations of inferior staff ..	Standing committee in accordance with any resolution that may be passed by council.
Clause 131	Composition of carriage and animal tax.	Standing committee.
Clause 142	Composition of tolls	Do.
Clause 181	Maintenance of house-connexions for water.	Council and standing committee.
Clause 182	Charge for water	Standing committee.
Clause 192	Maintenance of house-drains ..	Do.
Clause 193	Construction of house-drains ..	Do.
Clause 292	Fixing amount of space for each occupant of a building.	Do.

Clause.	Subject.	Authority.
(Written order) Clauses 284, 298, 303, 304, 307, 312 and 327.	Regulations for certain licenced places and trades.	Commissioner.
Clause 325 ..	Market regulations ..	Commissioner subject to approval of standing committee.
Schedule V, rule 27.	Form of budget and accounts ..	Council subject to control of local Government.

By-laws have the sanction of some penalty, regulations not necessarily. But in the case of a breach of market regulations, clause 325 (section 349), two sanctions are provided, firstly, expulsion from market under clause 319 (2) (section 340), secondly, a fine of Rs. 50 under the penalty schedule. Fines are also provided for contravention of clauses 181 and 192–3 which will include contravention of the regulations referred to in those clauses. For breach of licence regulations there will be the penalty of revocation of the licence under the general licence clause 382, and fines are also provided in the penalty schedule.

Clause 374 reproduces section 418 in an amended form. Section 419 has been absorbed in part II, clause 47.

Chapter XV.—Penalties.

This chapter reproduces chapter XL of the present Act.

Clause 375 combines sections 420 and 421 to save repetition.

Sub-clause (2).—The words "each day after the first" have been altered to "each day after the previous day of conviction." Compare the remarks of the Government of India in paragraph 2 (*d*), Home Department (Judicial) letter No. 1580, dated the 30th October 1895.

Clause 376.—This is new. The present Act does not provide any penalty in the case of a councillor who has become disqualified, e.g., by taking up a municipal contract, but continues to act as such; or who votes in any matter in which he is pecuniarily interested. Under the Madras District Municipalities Act, section 260, a councillor who takes up a municipal contract is, like a municipal servant, to be deemed to have committed an offence under the Indian Penal Code, section 168 (public servants trading when legally bound not to trade). Municipal servants are declared to be "public servants" by section 465 of the present Act, but councillors are not. In the illustration to section 21, Indian Penal Code, a "municipal commissioner" is declared to be a public servant, but there an executive commissioner is meant. A councillor is not in quite the same position as an executive officer, who, if he is interested in a municipal contract, will be presumed to be corrupt. A councillor may have contracted some interest carelessly or inadvertently. The Calcutta Act, section 577, does not like the Madras District Act, class councillors with executive officers in this matter. This brief clause follows section 46 (8) of the English Local Government Act, 1894.

Clauses 377–8 reproduce sections 422–425. A proviso taken from section 266 of the Madras District Municipalities Act has been inserted in clause 377 to make clear the position of directors and shareholders of companies.

Section 423 (3) has been omitted as inequitable.

Clause 381 is new and is inserted merely *ex majori cautela*.

SCHEDULE VII.—ORDINARY PENALTIES.

Omissions.

Sections 45 (1) and (2) (bribery) go out in view of clauses 68—74. Sections 125, 127 and 128 have not been reproduced in the Bill.

Sections 195, 206, 207, 320 (water-supply offences).—These have been transferred to water-supply by-laws, by-law 14 (penalties). If a case under section 320 is a bad one it can be dealt with under section 277, Indian Penal Code; and under the new clauses the executive have wide power to order work to be done to pipes or to do it in default.

Section 291 has become a lighting by-law.

Section 327.—This provision for a town duty on timber and firewood has been deleted from the Bill.

Section 328.—The section has gone out of the Bill and "bake-houses" has been inserted in schedule XI; accordingly the case is covered by clause 303, for the contravention of which a penalty is provided in this schedule.

Sections 357, 359, 360 have gone out of this Bill and been inserted in the Prevention of Adulteration Bill.

Sections 379, 380, 381, 382, 383, 384, 400, 401 and 402 have not been reproduced in the Bill because it is considered that the matters in question can be suitably dealt with by subsidiary legislation.

Section 369 (2) has not been reproduced in the Bill (see note on clause 354).

Additions.

Penalties have been provided for contravention of clauses 118, 144, 181, 182, 192, 193, 194, 226, 238, 243 (3) 276, 279, 280, 291 (4), 305, 306, 316, 330, 332, 347 (3), 355, 359, 360, 362 and 363 which are all new provisions.

No penalty is provided in the Act for contravention of section 249, but one has been provided in the Bill for contravention of the corresponding clause 240. A penalty has also been newly inserted for breach of section 217 (clause 199) section 224, sub-section (2) (clause 206) and of section 234 (clause 226).

Clauses 208, 278, 284, 304, 314, 326, and 327, for breach of which penalties have been provided, are wider than the corresponding sections 125, 215, 311, 326, 324, 350, 351 for which penalties are provided in the present schedule.

Amount of Penalty.

The maximum penalty for breach of section 324 (clause 304) has been raised from Rs. 50 to Rs. 1,000. It might well pay a factory in the busy season to go on paying fines of Rs. 50 and keep working. The Bombay penalties for breach of the corresponding section (390 of the Bombay Act), is Rs. 1,000.

The Bill increases the penalties under clauses 204 and 205 from Rs. 50 to Rs. 100; reduces that under 230 (1) from Rs. 50 to Rs. 20; increases those under clause 296 (*a*) and (*b*) to Rs. 20; reduces that under clause 296 (*c*) to Rs. 20; raises that under clause 379 (4) to Rs. 50; reduces that under clause 427 to Rs. 50.

SCHEDULE VIII.—PENALTIES FOR CONTINUING BREACHES.

Omissions.

Sections 206, 207, 320.—Penalties have been provided in by-law 14 of the model water-supply by-laws.

Additions.

Penalties have been provided for continuing breaches of the new provisions in clauses 181, 182, 193 of the Bill (water-supply and drainage) and 316, licence for milk trade.

Clauses 278, 304, 326 are wider than the corresponding sections 326, 324, 350, for which penalties are also provided in the Act.

Sections 227, 301, 302, 305, 308 (clauses 192, 281, 282, 286, 290) have been newly entered in this schedule on the recommendation of the health officer, section 248 (clause 239) on the recommendation of the licence superintendent, and section 234 (clause 226) as in the Bombay Act.

Enhancement of Penalties.

The penalty for continuing breach of section 324 (clause 304) has been enhanced from Rs. 10 to Rs. 100. Bombay increased the penalty for continuing breach of section 392, Bombay Act, to Rs. 100 in 1911. The penalties under clauses 204 and 205 have been raised to Rs. 20.

PART VI.

Chapter XVI.—Procedure and Miscellaneous.

This corresponds with Part X of the existing Act, and is the last part of the Bill, Part XI of the existing Act having been transferred to Part II, clause 77.

Clause 382.—Sub-clause (1) reproduces section 426 (1).

Sub-clause (2).—This is section 426 (2). The provision for sanction of rates of fees by Government has been omitted in the interests of decentralisation.

Sub-clause (3) generalises the provisions in sections 331 (3) and 334 (3) of the present Act.

Sub-clause (4) similarly generalises the provisions in sections 314 (3), 322 (3), 325 (4) and 332 (3).

Sub-clause (5) expands section 426 (3) of the present Act.

Sub-clause (6) generalises a power given by sub-section 352 of the present Act in respect only of food and drugs.

Sub-clause (7), but for a reference to sub-clause (11), reproduces section 426 (4), and sub-clauses (8), (9) and (10) reproduce section 426 (5).

Sub-clause (11) is new. The Presidency Magistrates sometimes throw out prosecutions for keeping premises open without a licence on the ground that the accused pre-paid the licence fee. This is not in itself a good reason, but the municipal executive should not be allowed to delay the issue of licences.

Clause 383 reproduces section 427. New appeals against action under clauses 182, 197, 279, 304, 305 and 316 are provided. Sub-clause (2) is a little wider than in the original.

Clauses 385–390 reproduce sections 428–434 with slight verbal alterations.

Clause 391 combines sections 435 and 436. The Revenue Officer notes "The differentiation in the mode of service of notices on owners or occupiers of buildings and others is unnecessary and section 436 as the more comprehensive section may be retained, section 435 being omitted. Many rate-payers including some residing in the city prefer to have notices sent to them by registered post and full

discretion may be given to the President to send a notice by registered post in lieu of personal service or affixure. Owners of buildings resident beyond the city prefer to have their assessment notices sent by registered post instead of their being affixed to the buildings. The Act as it stands does not allow of this."

Clauses 392–4 reproduce sections 437–439.

Clause 395.—The words "test, examination" after "enquiry" and "or for the purpose of lawfully placing or removing meters, instruments, pipes or apparatus" have been added with special reference to the drainage and water-supply provisions.

Clauses 396–8 and 404–410 reproduce sections 441–450. The chief variation is that jurisdiction in cases of disputed compensation has been given to the Chief Judge of the Small Cause Court; slight variations are that "proprietor" is substituted for "owner" in clause 404 in view of the definition of "owner" in clause 3, that "regulation" is referred to in addition to rule and by-law in clause 407 and bad grammar is corrected in section 450 (clause 410).

Clauses 399–403 are new and are modelled on the similar provisions of the Bombay Act. The power to declare certain classes of expenses as "improvement expenses" will, it is believed, be a useful one.

Clause 411.—Section 451 makes all provisions of the Act penal. Under this clause only provisions expressly declared penal will be penal.

Clauses 412–413 reproduce sections 452–453. "Liable to be tried" has been substituted for "liable to punishment."

Clause 414.—The present section 454 has been abbreviated by substituting a reference to the Penal Code (which will carry with it a reference to the procedure in the Procedure Code) for a long and not very well worded provision; which suggests, *e.g.*, that if a man admits poverty that is a sufficient reason for sending him to jail.

Clause 415 reproduces section 455.

Clause 416.—Provisions similar to section 457 have given much trouble to the courts and the provision has been simplified with reference to I.L.R., Cal., VI 8, I.L.R., XVI Mad., 296, 317 and

474, and other decisions. Section 457 (4) is superfluous with reference to Civil Procedure Code, order XXIV.

Clause 417.—A more detailed provision based on section 517, Bombay Act, has been substituted for section 458 of the present Act.

Clause 418 reproduces section 459 of the present Act.

Clause 419 is new. It follows the similar provision (section 259) in the District Municipalities Act.

Clause 420.—The present Act contains a protecting clause in respect of assessments in section 191 and in respect of distresses and sales in section 460. Section 191 has been omitted in the Bill, and a more general clause has been inserted here to cover these and other cases. Section 525 of the Bombay Act and section 258 of the Madras District Municipalities Act may be compared.

Sections 456 and 461 have been omitted as merely declaratory of the law and unnecessary. Section 456 is sufficiently covered by section 45 of the Specific Relief Act. In so far as it is wider it appears to be open to objection, *e.g.*, it suggests that the corporation could be made liable not only for administrative misfeasance, but for administrative non-feasance.

Clauses 421 *to* 428 reproduce sections 462–469 with some verbal corrections, for instance, section 462 starts with police officers in the plural, refers to them in clause (*a*) as "he" in the singular, and then returns to the plural in clause (*c*).

Clauses 429 *to* 432.—The transitional and transitory provisions which are necessary to effect the passage from the old law to the new have been placed at the end of the Act. This is the most convenient course, because when they are in due course repealed by a Repealing and Amending Act, their repeal does not affect the numbering of the remaining sections. The present Act contains provisions similar to clauses 429–430 in sections 1 (3) and 7 and another similar to clause 432 at the end of section 188. Clause 432 is only intended to remove doubts as to procedure in recovery of arrears; the right to the arrears being guaranteed by the Madras General Clauses Act, section 8 (*d*). Clause 431 has been inserted to provide for the first general election.

Letter—from N. E. MARJORIBANKS, Esq., I.C.S., Acting Secretary to the Government of Madras, Local and Municipal Department.
To—the Secretary to the Government of India, Legislative Department.
Dated—Ootacamund, the 2nd May 1918.
No.—698 M.

I am directed to forward for the information of the Legislative Department of the Government of India, a copy of letter No. 175, dated 20th November 1916, from the Government of India approving of the principles of the draft Madras City Municipal Bill, and of the subsequent correspondence on the subject, and to request that the Government of India will be pleased to grant leave for the introduction of the Bill in the local Legislative Council.

2. The sanction of the Government of India is requested to the additional penal provisions contained in clauses 68 to 74, 364, 369, 381 and rule 32 of schedule IV, sub-clause (1) of clause 375 so far as it relates to clauses 118, 132, 136, 144, 181, 182, 192, 193, 194, 199, 203, 204, 205, 206, 208, 212, 213, 219, 226, 238, 239, 240, 243 (3), 250, 275, 276, 278, 279, 280, 281, 284, 291, 296, 300, 304, 305, 306, 314, 316, 326, 327, 330, 332, 343, 347, 355, 359, 360, 362, 363 and 374 as specified in columns 1 and 2 of schedule VII and sub-clause (2) of clause 375 so far as it relates to clauses 181, 182, 192, 193, 203, 204, 205, 219, 226, 239, 240, 278, 280, 281, 282, 286, 290, 300, 302 to 305, 316 and 326 as specified in columns 1 and 2 of schedule VIII.

3. A copy of Despatch No. 1 M. addressed to His Majesty's Secretary of State on the subject is enclosed.

ANNEXURES

(i)

Letter—from the Hon'ble Sir E. D. MACLAGAN, K.C.I.E., C.S.I., I.C.S., Secretary to the Government of India, Department of Education (Municipalities).
To—the Secretary to the Government of Madras, Local and Municipal Department.
Dated—Simla, the 20th November 1916.
No.—175.

I am directed to refer to your letter No. 392 M., dated the 23rd February 1916, forwarding a draft Bill to amend and consolidate the law relating to the municipal affairs of the City of Madras and to say that subject to the following observations the Government of India accept the principles of the Bill:

Clause 12.—The Government of India are of opinion that this clause should specify a maximum limit to the salary of the Commissioner as is provided for in section 57 of the City of Bombay Municipal Act, 1888. They recognize that there might be an occasional instance in which, for very special reasons, it would be desirable to give the Commissioner a higher rate of salary than that laid down, and I am to suggest that to meet such a case provision should be made to the effect that the limit should not be exceeded, save with the sanction of the Government of India.

Clauses 14 (2), 98 (4) *and* 111 (*c*) *and* (*d*).—The Government of India desire that these clauses should be qualified by a proviso similar to that contained in section 13-A of the Calcutta Port (Amendment) Act, 1915, to the effect (*a*) that the amount of leave and leave allowances, gratuity or pension granted to the officers and servants mentioned in these clauses shall not, without the special sanction of the Government of India, exceed what would be admissible to Government officers of similar standing and status, and (*b*) that the conditions under which such allowances, etc., are granted or any leave, superannuation or retirement is sanctioned shall not, without similar sanction, be more favourable than those prescribed for servants of Government.

Clause 98 (1).—In spite of the provision in clause 112, it seems intended to give the Madras Corporation power to remove the officers referred to in clauses 95, 96 and sub-clause (3) of clause 97 including the health officer, the engineer and the revenue officer. In this connexion I am to invite attention to paragraph 10 (*b*) of the despatch to the Secretary of State, No. 4, dated the 6th March 1913, a copy of which was communicated to the Government of Madras with this Department letter No. 190, dated the 1st November 1913, and to paragraph 43 of the resolution of the Government of India on Local Self-Government policy in which the view was expressed that in order to provide security of tenure the health officer, revenue officer and engineer should not be removable without the sanction of Government. While bringing this fact to their notice, the Government of India are content to leave the final decision to the Government of Madras.

Clauses 114 (*b*) *and* 126—139.—In the absence of Schedule IV, Part II, of the Bill under which the "original value" of the property to be assessed to the unearned increment duty will be ascertained, the Government of India are unable to make any detailed criticism of these clauses. But, though they have no objection in principle to the proposed duty in respect of the unearned increment of immovable property, they are inclined to think that the clauses dealing with it are unduly complicated and may be a fruitful source of litigation. It is also probable that the difficulties and possible discontent in connexion with the practical working of the proposed tax will be materially increased by the fixation of the initial period for the assessment of the increment so far back as 1890–91 in cases in which the property has not changed hands since that date. For instance, this arrangement will tend to operate unfairly to the owners of ancestral property the vendors of which will be taxed more heavily than those of property which has been more recently acquired. The Government of India would therefore in any case request that the date proposed may be reconsidered and a more recent date adopted. If, however, the Madras Government on a further consideration of the whole question should prefer an all-round *ad valorem* duty on transfers of immovable property such as is provided for in section 82 of the Calcutta Improvement Act, 1911, the Government of India will have no objection to the substitution of such a tax.

Clause 159.—The Government of India do not wish to object to a municipality levying what is in effect an addition to the income-tax subject to the condition that the municipal surtax must not be so large as to make it in effect a rival to the Imperial tax. In view of this condition they are of opinion that the proposed surcharge should in no case exceed 50 per cent of the income-tax and that the clause should be amended accordingly.

Clause 160.—This clause povides for the levy of a terminal tax on railway passengers to be collected as a surcharge on fares through the railway administration concerned. Outside Calcutta, where it was imposed for very special reasons and not without opposition from the railway companies, this form of taxation exists only in a few towns, e.g., Benares and Hardwar which are important centres of pilgrimage. The tax is open to obvious objections from the railway point of view and the Government of India are opposed to its extension except for wholly special reasons. They consider, therefore, that the clause should be deleted from the Bill.

Clause 170.—I am to suggest for the consideration of the Governor in Council whether this clause should not preferably follow the wording of section 131 (4) of the Calcutta Municipal Loans Act, 1914, which lays down that "every debenture issued by the Corporation under this Act shall be transferable in such manner as shall be therein expressed." If this is done, the Corporation will be able to adopt bearer bonds or any other form of security without special legislation on the point.

Schedule V, Rule 4 (*c*).—The Government of India are unable to agree to expenditure being incurred by the Corporation on the construction, maintenance, purchase or exploitation of railways without their previous sanction, and they desire that an express provision should be made requiring such sanction.

[Cf. clause 394 of the Calcutta Municipal Bill (copy enclosed).]

2. I am to request that the Bill may be further examined in the light of the observations made above and that a revised draft may be forwarded to the Government of India in due course. I am to add that the proposed duty in respect of the unearned increment of immovable property and the surcharge on income-tax being taxes of a novel character, require the previous sanction of the Secretary of State and that such sanction will be applied for on receipt of the revised Bill.

3. With reference to paragraph 21 of your letter I am to state that the legal points involved in the proposed Bill have not been fully examined at this stage.

4. For the reasons given in your letter No. 1655-M., Mis., dated the 21st September 1916, the Government of India agree that the Madras City Municipal Bill, as finally revised, should be referred to the Corporation for opinion before formal sanction is applied for to its introduction in the local Legislative Council. The Madras Corporation may, if the Governor in Council thinks fit, be informed accordingly.

ENCLOSURE

Copy of clause 394 *of the Calcutta Municipal Bill*, 1915.

Power to Corporation to construct, lease and otherwise deal with railways. [E. Cf. 1889, section 4.]

394. With previous sanction of the Government of India, the Corporation may—

(*a*) upon any of the public streets in Calcutta, or upon any land in or without Calcutta which is vested in the Corporation, construct or maintain any railway which may appear to the Corporation to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,

(*b*) use and employ upon any such railway locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby,

(*c*) carry and convey passengers and goods upon any such railway,

(*d*) make such reasonable charges in respect of such passengers or goods as the Corporation may from time to time determine,

(*e*) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway in or without Calcutta,

(*f*) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person, upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and

(*g*) lease any such railway to any person, upon such terms and under such conditions and restrictions as may be mutually agreed upon.

(ii)

Letter—from R. A. GRAHAM, Esq., I.C.S., Acting Secretary to the Government of Madras, Local and Municipal Department.
To—the Secretary to the Government of India, Department of Education (Municipalities).
Dated—Fort St. George, the 8th January 1917.
No.—29 M.

I am directed to refer to your letter No. 175, dated 20th November 1916, conveying the acceptance by the Government of India of the principles of the draft Madras City Municipal Bill subject to certain observations, and to state that the suggestions made therein have been adopted by this Government with the following exceptions.

Clause 12 *of the Bill.*—This clause has been amended so as to fix the maximum limit of salary of the Commissioner at Rs. 2,500 per mensem. This Government do not consider it necessary to introduce any provision in the Bill for the payment of a salary in excess of this limit.

Clause 98 (i).—Under section 12 (4) of the Madras City Municipal Act, 1904, the Government are bound to remove the Revenue Officer, the Health Officer or the Engineer from their offices if their removal is recommended by a resolution in favour of which not less than 28 commissioners have voted at a special meeting. The Governor in Council considers it unnecessary to withdraw this privilege from the Corporation. The clause has now been amended so as to make it clear that the Government have also the power to remove these officers from their appointments. As thus amended, the clause re-enacts the existing law on the subject.

Clauses 114 (b) *and* 126–139.—The Governor in Council prefers to retain the proposed duty on unearned increments as it is expected to bring in more revenue than an *ad valorem* duty and the equity of such a tax is not open to question. In deference to the wishes of the Government of India, however, it is now proposed to fix the initial period for the assessment at 1900–1901. As the determination of the unearned increment which is liable to be taxed is complicated, detailed rules are necessary and it would be difficult to simplify the clauses dealing with it. A copy of schedule IV, part II of the Bill containing the rules in this regard is now forwarded and I am to say that the possibility of simplifying them will be further considered.

Clause 160.—With reference to the remarks of the Government of India, on the proposal to levy a terminal tax, I am directed to explain that the circumstances of the Madras Corporation are special. As the Government of India are aware, the Corporation has under execution extensive schemes of water-supply and drainage the cost of which, owing to the large area covered by the town and its low-lying position, is unavoidably great. An outlay of 150 lakhs is still required to complete these works according to the original estimates, and though the Government have recently decided that owing to the financial stress created by the war only those parts of the schemes which cannot possibly be postponed shall be carried out for the present, at a cost of about 50 lakhs of rupees to be spread over a period of five years, it is recognized that this restricted programme will leave practically half the City without satisfactory drainage arrangements, and in the interests of public health the original programme will have to be carried out after normal conditions are restored and the Corporation obtains powers to raise additional taxes. Apart from the original outlay, the cost of maintaining these works will impose a substantial burden on the funds of that body; the bare maintenance of the works included in the restricted programme will cost 6·50 lakhs per annum; with an allowance for depreciation and interest on capital, the charge will be 16·15 lakhs; and when the full programme is completed, these figures will be largely exceeded. In addition the Corporation has to meet the growing expenditure of the City and to extend such services as model schools, electric lighting, etc., which it has undertaken. To enable it to undertake these schemes and to provide for the raising of a loan of even half the sum necessary for the water-supply and drainage special works, the income secured from a terminal tax which is estimated at about 0·75 lakh a year will be absolutely necessary, especially as the Government of India have now stipulated that the surtax on income-tax should not exceed 50 per cent of the income-tax itself. Proposals for this tax have been under consideration here since 1899 and the Corporation has repeatedly pressed for it as an urgent necessity. In these circumstances, I am to request that the Government of India will be pleased to reconsider their decision in the matter.

Clauses 51 *and* 56–59.—These clauses have been altered so as to disqualify persons other than British subjects or subjects of any State in India from voting at elections or from sitting as councillors (vide paragraph 3 of Mr. Todhunter's letter No. 1313 L., dated 23rd September 1916).

2. The Bill has since been scrutinized by the Advocate-General and the alterations recommended by him have been embodied in it. These are mostly of a verbal character except the proviso added to clause 120 directing that "where the assessed premises are roads or bridges in the occupation of a tramway or telephone company, the property tax shall be paid in the manner provided above by such company and not by the owner of such premises." In support of this addition I am to invite attention to the opinion of the Advocate-General printed on pages 3 to 8 of the Proceedings of this Government, No. 520 M., dated 16th March 1916, a copy of which is enclosed.

3. I am to forward a copy of the Bill as revised with reference to the orders of the Government of India and the remarks in the preceding paragraph, and to request that the sanction of the Secretary of State may be obtained to the proposed duty in respect of the unearned increment of immovable property and the surcharge on income-tax and that the sanction of the Governor-General in Council may be accorded in respect of:

(1) Clause 160 providing for a terminal tax on the tickets of railway passengers.
(2) Clause 171 affecting the Indian Contract Act.
(3) Clause 386 affecting or altering the Indian Penal Code (clauses like 355 (3) and 382 being practically re-enactments and strictly not requiring fresh sanction).
(4) Clause 387 extending the provisions of the law relating to customs duties to town duties.
(5) Clauses 67 (*c*), 408 to 410 providing for the determination of certain matters by the Chief Judge of the Court of Small Causes or by that court (vide section 79 (2) and (3) (*a*) and (*d*) of the Government of India Act, 1915).

4. With reference to paragraph 4 of your letter, I am to state that the Bill as revised has now been referred to the Madras Corporation for remarks.

(iii)

Letter—from the Hon'ble Sir E. D. MACLAGAN, K.C.I.E., C.S.I., Secretary to the Government of India, Department of Education (Municipalities).
To—the Secretary to the Government of Madras, Local and Municipal Department.
Dated—Delhi, the 16th February 1917.
No.—16.

With reference to your letter No. 29 M., dated the 8th January 1917, forwarding a revised draft of the Madras City Municipal Bill, I am desired to say that as it is possible that the Governor in Council may wish still further to revise the Bill on receipt of the views of the Madras Corporation, to whom it has been referred, the Government of India desire to postpone further consideration till the opinion of the Corporation has been received by the local Government and, if necessary, submitted to the Government of India.

(iv)

Despatch—from the Government of Madras, Local and Municipal Department.
To—His Majesty's Secretary of State for India.
Dated—Ootacamund, the 2nd May 1918.
No.—1 M.

We have the honour to transmit for your information a copy of the draft Madras City Municipal Bill which has been submitted for the approval of the Government of India with Mr. Marjoribanks' letter No. 698 M., dated 2nd May 1918 (copy enclosed).

Government of Madras.

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PAPERS IN THE ROUTINE SERIES

FOR THE MONTH OF JUNE 1919

Nil.

Government of Madras

LOCAL AND MUNICIPAL (LEGISLATIVE) DEPARTMENT

G.O. No. 72, 16th June 1919

Voting paper

Informing the President of the Madras Corporation and the Registrar of the Madras University that it will not be possible to carry out the amendment of instruction No. 5 on the voting paper in time for the ensuing elections and requesting them to send a separate warning note to each elector along with the voting paper.

READ—the following papers :—

I

G.O. Nos. 51-52, L. and M. (Legislative), dated 29th April 1919.

ABSTRACT.—Addressing the Government of India on the desirability of amending item No. 5 of the instructions printed on the voting paper for the elections by the Corporation and the University of Madras.

II

Letter—from the Hon'ble Mr. W. F. RICE, C.S.I., Additional Secretary to the Government of India, Home Department (Public).
To—the Secretary to the Government of Madras, Local and Municipal (Legislative) Department
Dated—Simla, the 4th June 1919.
No.—729.

I am directed to refer to your letter No. 52, Legislative, dated the 29th April 1919, containing a recommendation for the amendment of instruction No. 5 on the voting paper (form II) in Schedules I and II to the Regulations for the nomination and election of Additional Members to the Madras Legislative Council.

2. The amendment in question could not be made on the authority of the Governor-General in Council without the prior sanction of the Secretary of State for India. Moreover it would probably be desirable that if the amendment were adopted in connexion with the Regulations for the Madras Legislative Council, the Regulations of the Legislative Councils of other Local Governments should be amended in the same manner. It would thus be necessary for the Government of India to consult other Local Governments before approaching the Secretary of State, and this procedure would entail considerable delay. In these circumstances, as the matter is apparently not one of great urgency, the Government of India are disposed to think that it might suitably be allowed to remain over, pending the general revision of the Regulations of Legislative Councils which will be necessary in connexion with the proposals for political reforms in India. I am to inquire whether His Excellency the Governor in Council has any objection to this course being adopted.

Order—No. 72, L. and M. (Legislative), dated 16th June 1919.

In continuation of paragraph 2 of G.O. No. 51, Local and Municipal (Legislative), dated 29th April 1919, the President of the Madras Corporation and the Registrar of the Madras University are informed that it will not be possible to carry out the amendment of item No. 5 of the instructions printed on the voting papers in time for the ensuing elections to the Legislative Council as the sanction of the Secretary of

State and the Government of India will be necessary. They should therefore send to each elector, along with the voting paper, a separate warning note drawing attention to rules 7 and 8 and pointing out that unless an elector either himself appears before the Returning Officer and records his vote or sends his voting paper *by registered post* to the Returning Officer his vote will be invalid.

2. The following reply will be sent to the Government of India.

[Here enter letter No. 72-A, Local and Municipal (Legislative), dated 16th June 1919.]

(True extract)

H. G. Stokes,
Acting Secretary to Government.

To the President, Corporation of Madras
,, Registrar, University of Madras } (paragraph 1 only).

GOVERNMENT OF MADRAS

LOCAL AND MUNICIPAL (LEGISLATIVE) DEPARTMENT

No. 72-A.

From

The Hon'ble Mr. H. G. STOKES, C.I.E., I.C.S.,
Acting Secretary to the Government of Madras,
Local and Municipal (Legislative) Department,

To

The ADDITIONAL SECRETARY to the GOVERNMENT
of INDIA,
Home Department (Public).

Dated Ootacamund, the 16th June 1919.

Sir,

In reply to your letter No. 729, dated the 4th June 1919, regarding the proposed amendment of instruction No. 5 on the voting paper (form II) in schedules I and II to the Regulations for the Madras Legislative Council I am directed to say that His Excellency the Governor in Council has no objection to the course proposed by the Government of India.

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

H. G. STOKES,
Acting Secretary to Government.

Government of Madras

LOCAL & MUNICIPAL DEPARTMENT (LEGISLATIVE).

G.O. No. 74, 16th June 1919

Madras City Municipal Act, 1919

Directing the publication of the — in the *Fort St. George Gazette* in English, Tamil, Telugu and Hindustani languages.

READ—the following papers :—

I

G.O. Nos. 41-42, Legislative, dated 9th April 1919.

ABSTRACT.—Forwarding the Madras City Municipal Act, 1919, for the assent of the Governor-General.

II

Letter—from the Hon'ble Mr. H. MONCRIEFF-SMITH, I.C.S., Officiating Secretary to the Government of India, Legislative Department.
To—the Secretary to the Government of Madras, Local and Municipal (Legislative) Department.
Dated—Simla, the 6th June 1919.
No.—1597.

The Madras City Municipal Law, 1919.

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 42, dated the 9th April 1919.

Order—No. 74, L. & M. (Legislative), dated 16th June 1919.

The assent of the Governor-General having been received, the Madras City Municipal Act, 1919, will be published in the *Fort St. George Gazette* in the English, Tamil, Telugu and Hindustani languages.

(True extract)

H. G. STOKES,
Acting Secretary to Government.

To the Local and Municipal Department.
" Superintendent, Government Press.
" Senior Translator to Government.
" Hindustani Translator to Government.

[Annexure.

ANNEXURE.

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MADRAS CITY MUNICIPAL ACT, 1919.

ACT No. IV OF 1919.

An Act to consolidate and amend the law relating to the Municipal affairs of the City of Madras.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the City of Madras and whereas the previous sanction of the Governor-General has been obtained under section 79 of the Government of India Act, 1915, to the passing of this Act; It is hereby enacted as follows:—

PART I.

CHAPTER I.—PRELIMINARY.

Title and extent.

1. (1) This Act may be called the Madras City Municipal Act, 1919.

(2) Except as hereinafter expressly provided it extends only to the City of Madras.

Repeal of enactments.

2. The enactments mentioned in schedule I are repealed to the extent specified in the fourth column thereof.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context—

"Appoint."

(1) "Appoint" includes to appoint temporarily or in an officiating capacity.

"Appointment."

(2) "Appointment" includes temporary and officiating appointments.

"Budget grant."

(3) "Budget grant" means any sum entered on the expenditure side of a budget estimate which has been adopted by the council.

"Building."

(4) "Building" includes a house, out-house, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever.

"Building-line."

(5) "Building-line" means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend.

"Carriage."

(6) "Carriage" includes any wheeled vehicle with springs or other appliances acting as springs; and any kind of motor-car, motor lorry, motor-omnibus, motor-cycle, bicycle, tricycle and rickshaw.

"Cart."

(7) "Cart" includes any wheeled vehicle which is not a "carriage."

"Casual vacancy." "Casual election."

(8) "Casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a divisional councillor or in any other elective office, and "Casual election" means an election held on the occurrence of a casual vacancy.

"City of Madras."

(9) "City of Madras," or "City," means the area declared by the Governor in Council by notification to be the City of Madras but excludes Fort St. George with the glacis.

"Dangerous disease."

(10) "Dangerous disease" means—

(*a*) cholera, plague, smallpox, tuberculosis, diphtheria, enteric fever, typhoid fever, and measles, and

(*b*) any other disease notified under section 329.

"Filth."

(11) "Filth" includes sewage, night-soil, dung, dirt, putrid and putrefying substances and all offensive matter.

"Hut."

(12) "Hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the council may declare to be a hut for the purposes of this Act.

"Latrine."

(13) "Latrine" includes privy, water-closet and urinal.

"Municipal office."

(14) "Municipal office" means the principal office of the corporation.

"Occupier." (15) "Occupier" includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used.

"Ordinary election." (16) "Ordinary election" means an election held to fill a vacancy in the office of divisional councillor or in any other elective office arising by efflux of time.

"Owner." (17) "Owner" includes (*a*) the person for the time being receiving, or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose the rent or profits of the property, in connexion with which the word is used, (*b*) the person for the time being in charge of the animal or vehicle, in connexion with which the word is used.

"Prescribed." (18) "Prescribed" means prescribed by the Governor in Council by rules made under this Act.

"Private street." (19) "Private street" means any street, road, square, court, alley, passage or riding-path which is not a "public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises.

"Public street." (20) "Public street" means any street, road, square, court, alley, passage or riding-path whether a thoroughfare or not, over which the public have a right of way, and includes—

(*a*) the roadway over any public bridge or causeway,

(*b*) the foot-way attached to any such street, public bridge or causeway, and

(*c*) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, veranda, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to Government.

"Railway." (21) "Railway" includes a tramway.

"Reconstruction." (22) "Reconstruction" of a building includes—

(*a*) the re-erection wholly or partially of a building after more than one-half of its cubical content has been taken down or burnt down or has fallen down, whether at one time or not;

(*b*) the re-erection, wholly or partially of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any frame building, which has so far been taken down or burnt down or has fallen down as to leave only the frame-work of the lowest storey;

(*c*) the conversion into a dwelling-house or a place of public worship of any building not originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only or the conversion of a dwelling-house into a factory;

(*d*) the re-conversion into a dwelling-house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house or a place of public worship or a factory, as the case may be;

"Residence" "Reside." (23) A person is deemed to have his "residence" or to "reside" in any house if he sometimes uses any portion thereof as a sleeping apartment, and

a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return thereto at any time and has not abandoned his intention of returning.

"Rubbish." (24) "Rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "filth."

"Salary." (25) "Salary" means pay and acting pay, or payment by way of commission, and includes exchange compensation allowances, but not allowances for house-rent, carriage hire, or travelling expenses.

"Street-alignment." (26) "Street-alignment" means a line dividing the land comprised in and forming a part of a street from the adjoining land.

Year." (27) "Year" means the financial year.

PART II.

CONSTITUTION AND GOVERNMENT OF THE CORPORATION.

Chapter II.—The Municipal Authorities.

Composition of the Corporation.

Enumeration of authorities. **4.** The municipal authorities charged with carrying out the provisions of this Act are—

(*a*) a council,

(*b*) standing committees of the council,

(*c*) a commissioner.

Constitution of council. **5.** (1) The council shall consist of fifty Councillors elected or appointed as follows:—

(*a*) thirty elected divisional councillors,

(*b*) three elected by the Madras Chamber of Commerce,

(*c*) three elected by the Madras Trades' Association,

(*d*) two elected by the South Indian Chamber of Commerce,

(*e*) three elected or appointed by such other associations or corporate bodies as the Governor in Council may by notification direct,

(*f*) nine appointed by the Governor in Council, who in making such appointments shall have regard to the representation of Muhammadans and other minorities.

(2) The council shall by name of the "Corporation of Madras" be a body corporate, and have perpetual succession and a common seal and may by such name sue and be sued.

Constitution of standing committees. **6.** There shall be four standing committees dealing respectively with (1) taxation and finance, (2) works, (3) health and (4) education.

Definition of commissioner. **7.** The commissioner shall be appointed by the Governor in Council and shall not be a member of the council.

The Several Authorities.

The Commissioner.

Term of office of commissioner. **8.** (1) The commissioner shall hold office for a renewable period of three years.

(2) The Governor in Council may at any time remove the commissioner from office and shall do so if at a special meeting of the council called for the purpose not less than 33 Councillors vote for such removal.

Powers of commissioner. **9.** Subject, whenever it is hereinafter expressly directed, to the sanction of the council or the standing committee as the case may be, and subject to all other restrictions, limitations and conditions hereinafter imposed, the executive power for the purposes of carrying out the provisions of this Act shall be vested in the commissioner, who shall also perform all the duties and exercise all the powers specifically imposed or conferred on him.

Custody of records. **10.** The commissioner shall be responsible for the custody of all the records of the corporation including all papers and documents connected with the proceedings of the council, the standing committees and other committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Extra-ordinary powers of commissioner. **11.** The commissioner may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of one of the other municipal authorities and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be paid from the municipal fund:

Provided that he shall report forthwith the action taken under this section and the reasons therefor to such other authority.

Duty of commissioner.

12. The commissioner shall devote his whole time and attention to the duties of his office, and shall not engage in any other profession, trade or business whatever;

Provided that this section shall not apply to any person appointed to officiate as commissioner for a period not exceeding three months.

Salary of commissioner.

13. The commissioner shall be paid out of the municipal fund such salary and allowances not exceeding Rs. 2,500 per mensem in the aggregate as may from time to time be fixed by the Governor in Council.

Leave of commissioner.

14. (1) Leave may be granted to the commissioner by the Governor in Council.

(2) Whenever such leave is granted, the Governor in Council shall appoint some person to officiate in his place.

Service regulations of commissioner.

15. (1) If the commissioner is a civil or military officer in the service of the Government, the corporation shall contribute to his leave allowances, pension and provident fund to the extent required by the regulations of the Governor-General in Council for the time being in force with respect to civil or military officers.

(2) If the commissioner is not a civil or military officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the municipal fund shall be governed by regulations framed by the Governor in Council.

Provided that—

(*a*) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the Governor-General in Council exceed what would be admissible in the case of Government servants of similar standing and status; and

(*b*) the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Delegation of commissioner's ordinary powers.

16. The commissioner may delegate to the holder of any municipal office any of his ordinary powers, duties or functions except those conferred or imposed upon, or vested in him by the following provisions, namely, sections 25 (3), 55, 56, 57, 58, 72 (3) and (4), 74, 75, 154, 169 (2), 178 (2) and (3), 179, 180, 183, 195, 217, 218, 256, 265, 271, 275, 282, 283, 284, 287, 288, 289, 290, 292, 293, 299, 306, 308, 309, 319, 323, 324, 335, 380, 391, 398, schedule IV, rule 14, schedule V, rules 13 and 14.

Provided that—

(*a*) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made;

(*b*) the commissioner shall not delegate his power under section 90 to make appointments to offices carrying a salary of more than fifty rupees per mensem;

(*c*) the commissioner shall not delegate to the holder of any office his power under section 96 to fine, reduce, suspend, remove or dismiss any employee, or his power under section 97 to grant leave of absence to any employee, unless such employee was appointed by the holder of such office by virtue of a delegation of the commissioner's powers of appointment;

(*d*) the commissioner shall not delegate his power under section 80 to make on behalf of the corporation any contract involving an expenditure exceeding two thousand rupees;

(*e*) when the commissioner delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of any other municipal authority, the commissioner shall send a copy of the order of delegation to such authority.

Reservation of control in respect of powers delegated.

17. The exercise or discharge by a municipal officer of any powers, duties or functions delegated to him under section 16 shall be subject to such restrictions, limitations and conditions (if any) as may be laid down by the commissioner and shall also be subject to his control and revision.

Delegation of commissioner's extraordinary powers.

18. The commissioner may on his own responsibility and by an order in writing authorize the health officer or the engineer or the revenue officer or any person in temporary charge of the duties of the health officer, engineer or revenue officer to exercise the extraordinary powers conferred on him by section 11.

The Standing Committees.

Election of standing committees.

19. (1) Each standing committee shall consist of seven members elected by the council from its own number: provided that no councillor shall be a member of more than two standing committees at the same time.

(2) A councillor elected to be a member of a standing committee shall hold office as such, unless he sooner resigns the same, till his term of office as councillor is in any manner determined.

(3) When a vacancy occurs in a standing committee, the council shall fill up the vacancy as soon as may be by the election of another councillor.

Functions of standing committees.

20. (1) The council shall by regulations framed for the purpose determine the powers and duties of each standing committee and may by such regulations provide for a conference of two or more standing committees or for the appointment out of such committees of a joint committee for any purpose in respect of which they may be jointly interested.

(2) The 'taxation and finance' standing committee, in addition to the powers and duties assigned to it under such regulations,

(*a*) shall supervise the utilization of the budget grants;

(*b*) shall have access to the accounts of the corporation, and may require the commissioner to furnish any explanation which it considers to be necessary as to the receipts and expenditure of the municipal fund;

(*c*) may conduct a monthly audit of the municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the commissioner; and

(*d*) may write off such sums due to the corporation as appear to the committee to be irrecoverable.

Construction of references to standing committee.

21. Wherever in this Act the expression "the standing committee" occurs, it shall, unless the context otherwise requires, be deemed to refer to the particular standing committee to which the power or duty in connexion with which the expression is used, is assigned by this Act or by regulations made by the council; and all references to the standing committee in any other law shall be construed as references to the particular standing committee to which the power or duty conferred or imposed by such law is assigned by regulations made by the council.

Delegation of powers to commissioner by standing committees.

22. (1) In any case in which it is provided by this Act or any other law that the commissioner may take action subject to the approval, sanction, consent or concurrence of a standing committee, the committee may, by resolution in writing, authorize him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions (if any) as may be specified in such resolution.

(2) Whenever the commissioner, in pursuance of such resolution, takes any action in anticipation of the approval, sanction, consent or concurrence of a standing committee, he shall forthwith inform the committee of the fact.

The Council.

Functions of council.

23. (1) Subject to the provisions of this Act the municipal government of the city shall vest in the council but the council shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to a standing committee or the commissioner.

(2) If any doubt arises as to the municipal authority to which any particular function pertains, the president shall refer the matter to the Governor in Council whose decision shall be final.

(3) Without prejudice to the generality of sub-section (1) it shall be the duty of the council to consider all periodical statements of receipts and disbursements and all progress reports and pass such resolutions thereon as it thinks fit.

Obligation laid on remaining municipal authorities to carry out resolutions of council.

24. The standing committees and the commissioner shall be bound to give effect to every resolution of the council unless such resolution is cancelled in whole or in part by the Governor in Council.

Duties and powers of individual councillors.

25. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property, or to the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president on matters connected with the municipal administration subject to such regulations as may be framed by the council.

(3) Every councillor shall have access during office hours to the records of the corporation after giving due notice to the commissioner, provided that the commissioner may for reasons given in writing forbid such access. The councillor may appeal against such order to the president whose decision shall be final.

Requisitions by council or a standing committee for commissioner's records.

26. (1) The council or a standing committee may at any time require the commissioner—

(*a*) to produce any record, correspondence, plan or other document which is in his possession, or under his control as commissioner;

(*b*) to furnish any return, plan, estimate, statement, account or statistics connected with the municipal administration;

(*c*) to furnish a report by himself or to obtain from any head of department subordinate to him and furnish, with his own remarks thereon, a report upon any subject connected with the municipal administration.

(2) The commissioner shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the council or the standing committee as the case may be, refer the question to the president whose decision shall be final.

Council's power to call for records of committees.

27. The council may at any time call for an extract from the proceedings of a standing committee or of any committee or for any return, statement, account or report connected with any matter with which such committee is empowered to deal; and every such requisition shall be complied with by the standing committee, or other committee, as the case may be.

Provisions common to the Council and the Standing Committees.

Election of president and chairman.

28. The council shall at its first meeting after the first day of November in each year elect one of its number to be its president and each standing committee shall at its first meeting after that date in each year elect one of its number to be its chairman.

Term of office of president and chairman.

29. The president or chairman shall be entitled to hold office till the election of his successor provided that in the meantime he does not cease to be a councillor.

On the occurrence of any vacancy in the office of president or chairman, the council or standing committee, as the case may be, shall at its next meeting elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.

Re-eligibility of president and chairman.

30. An outgoing president or chairman is eligible for re-election.

Rules and regulations for proceedings of council and standing committees.

31. The council and the standing committees shall observe the procedure laid down in schedule II and may make supplementary regulations not inconsistent therewith for the conduct of their respective proceedings, and also for the maintenance of order at their meetings.

Presidency of council and standing committees.

32. (1) The president shall preside at meetings of the council, and in his absence a councillor shall be chosen by the meeting to preside for the occasion.

(2) The chairman of each standing committee shall preside at meetings of that body, and in his absence a member shall be chosen by the meeting to preside for the occasion.

(3) The president or the chairman, as the case may be, shall preserve order and shall decide all points of order and procedure arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the president or chairman thereon shall, save as is otherwise expressly provided in this Act, be final.

(4) The councillor presiding at a meeting of the council and the member presiding at a meeting of a standing committee shall for that meeting have all the powers and be subject to all the obligations of the president or chairman as the case may be.

Commissioner's right to attend and take part in discussion but not to move resolution or to vote.

33. (1) The commissioner shall have the right to attend the meetings of the council and of any standing committee and to take part in the discussion but shall not have the right to move any resolution or to vote.

(2) He shall attend any meeting of the council or of a standing committee if required to do so by the president.

Councillors to abstain from taking part in discussion and voting on questions in which they are pecuniarily interested.

34. (1) No councillor shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the council or of any standing committee or any committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(2) The president or chairman may prohibit any councillor from voting on or taking part in the discussion of any matter in which the councillor is believed to have such interest, or he may require the councillor to absent himself during the discussion.

(3) Such councillor may challenge the decision of the president or chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the president or chairman is believed by any councillor present at the meeting to have any such interest in any matter under discussion, he may, on the motion of such councillor if carried, be required to absent himself from the meeting during the discussion.

Power to resign.

35. (1) Any councillor other than the president may resign his office by giving notice to the president; the president may resign by giving notice to the council.

(2) Any member of a standing committee other than the chairman may resign by giving notice to the chairman of the standing committee; the chairman may resign by giving notice to the president.

Saving of validity of proceedings.

36. (1) No act done, or proceeding taken under this Act shall be questioned merely on the ground—

(*a*) of any vacancy or defect in the constitution of the council, or of any standing committee, or

(*b*) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) Every meeting of the council, or of a standing committee, the minutes of the proceedings at which have been signed as laid down in schedule II, shall be deemed to have been duly convened and to be free from all defect and irregularity.

The President of the Council.

Prerogative of the president.

37. The president shall have full access to all the records of the corporation and no official correspondence between the corporation and the Governor in Council shall be conducted except through the president. The president shall be bound to transmit communications addressed through him by the commissioner to the Governor in Council or by the Governor in Council to the commissioner.

President to be member of all committees.

38. The president shall by virtue of his office be a member of every standing or other committee.

Administration Report.

Submission of administration report to Local Government.

39. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Governor in Council, the corporation shall submit to the Governor in Council a detailed report of the administration during the preceding year in such form as the Governor in Council may direct.

(2) The commissioner shall prepare such report and the council shall consider the report and forward the same to the Governor in Council with their resolutions thereon, if any.

(3) Copies of the administration report shall be kept for sale at the municipal office.

Powers of the Governor in Council.

Local Government's power to call for records.

40. The Governor in Council may at any time require the council or the commissioner—

(*a*) to produce any record, correspondence, plan, or other document;

(*b*) to furnish any return, plan, estimate, statement, account or statistics;

(*c*) to furnish or obtain any report.

Local Government's power to cause inspection to be made.

41. The Governor in Council may depute any officer to inspect or examine any municipal department, office, service, work or thing and to report thereon and any officer so deputed may, for the purposes of such inspection or examination, exercise all the powers conferred by section 40.

Local Government's power to direct the taking of action.

42. If, on receipt of any information or report obtained under section 40 or 41, the Governor in Council is of opinion—

(*a*) that any duty imposed on any municipal authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(*b*) that adequate financial provision has not been made for the performance of any such duty, the Governor in Council may, by an order, direct the council or the commissioner within a period to be specified in the order, to make arrangements to his satisfaction for the proper performance of the duty, or to make financial provision to his satisfaction for the performance of the duty, as the case may be:

Provided that, unless in the opinion of the Governor in Council the immediate execution of such order is necessary, the Governor in Council shall, before making an order under this section, give the council an opportunity of showing cause why such order should not be made.

Local Government's power to appoint a person to take action in default at expense of corporation.

43. (1) If, within the period fixed by an order issued under section 42 any action directed under that section has not been duly taken, the Governor in Council may by order—

(*a*) appoint some person to take the action so directed,

(*b*) fix the remuneration to be paid to him, and

(*c*) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal fund, and if necessary, that any one or more of the taxes authorized by Part III of this Act shall be levied or increased, but not so as to exceed any maximum prescribed by that part.

(2) For the purpose of taking the action directed as aforesaid the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred on any municipal authority by or under this Act and specified in this behalf in the order issued under sub-section (1), and shall be entitled to protection under this Act as if he were a municipal authority.

(3) The Governor in Council may, in addition to, or instead of, directing the levy or increase of any of the said taxes, direct by notification that any sum of money which may in his opinion be required for giving effect to his orders be borrowed by debenture on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections 142 to 153 shall, as far as may be, apply to any loan raised in pursuance of this section.

Submission of copies of proceedings, resolutions and by-laws to Local Government; Local Government's power to cancel resolutions and by-laws.

44. (1) The president shall submit to the Governor in Council copies of all resolutions and all by-laws.

(2) The Governor in Council may at any time by notification—

(*a*) cancel any resolution in whole or in part on the ground that it is in excess of the powers conferred by this Act or by any rules made under this Act;

(*b*) repeal wholly or in part or modify any by-law;

Provided that before taking any action under this sub-section the Governor in Council shall communicate to the council the grounds on which he proposes to do so, fix a reasonable period for the council to show cause against the proposal and consider its explanation and objections, if any.

(3) The repeal or modification of any by-law shall take effect from the date of publication of the notification, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

Chapter III.—Election and Appointment of Councillors.

Qualifications and Disqualifications of Voters, Candidates and Councillors.

Thirty electoral divisions.

45. For the purposes of the election of divisional councillors, the city shall be divided into thirty divisions the boundaries of which shall be notified by the Governor in Council.

Election of one councillor for each division.

46. One divisional councillor shall be elected by ballot for each division of the city.

Publication of electoral roll.

47. (1) The commissioner shall annually prepare and publish an electoral roll showing the names of persons qualified to vote, divided into separate lists for each division provided that the electoral roll published in any year shall remain in force till the publication of a fresh electoral roll.

(2) No person whose name does not appear in the electoral roll as qualified to vote shall vote at an election.

Genera qua i-fications to vote.

48. No person shall be included in the electoral roll as qualified to vote unless

(*a*) he is a British subject or a subject of a Native State in India:

Provided that the Governor in Council may with the sanction of the Governor-General in Council exclude from the scope of this restriction any aliens or class of aliens;

(*b*) he has attained the age of twenty-one years in the year preceding that in which the electoral roll is published;

(*c*) he has paid the taxes, if any, due by him under the Act for such preceding year.

Personal qualifications to vote.

49. (1) No person shall be included in the electoral roll as qualified to vote at the election for a division unless he has resided in such division for one hundred and twenty days in the aggregate in the year preceding that in which the electoral roll is published, and either

(*a*) has paid in such preceding year any tax mentioned in clause (*a*), (*b*) or (*c*) of section 98, or

(*b*) has for not less than six months in such preceding year occupied a house in the city of an annual value of not less than sixty rupees.

Explanation 1.—A person shall be deemed to have made the payment required by clause (*a*) if he has paid the tax as sole mortgagee, tenant, guardian, or executor, or as sole administrator or trustee, not being the Administrator-General or Official Trustee.

Explanation 2.—No person shall be deemed to occupy a house within the meaning of clause (*b*) unless he is paying or is liable to pay to the owner the rent thereof; nor shall more than one person be deemed to occupy the same house.

Explanation 3.—For the purposes of this sub-section no person shall be deemed to reside in more than one division.

(2) Any company or association which for the year preceding that in which the electoral roll is published has paid the tax mentioned in clause (*a*) of sub-section (1), shall be entitled to one vote in the division in which the principal office of such company or association is situated, such vote being given by the secretary of the company or association or some other person duly authorized in that behalf.

Disqualification of voters.

50. No person who is of unsound mind or a deaf-mute shall be qualified to vote and no person shall be qualified to vote during the period for which he has been declared to be disqualified by a judicial order passed under section 71, and still in force.

Qualification of candidates.

51. No person shall be qualified for election as a councillor unless—

(*a*) the name of such person appears on the electoral roll of any one division of the city; and

(*b*) such person is of the male sex.

Disqualification of candidates.

52. (1) A person shall be disqualified for election or appointment as a councillor if such person—

(*a*) has been at any time sentenced by any court to transportation, imprisonment or whipping for any non-bailable offence, such sentence not having been subsequently reversed or quashed, or

(*b*) is at the date of nomination, election or appointment—

(i) of unsound mind, a deaf-mute or a leper;

(ii) an uncertificated bankrupt or undischarged insolvent;

(iii) interested in a subsisting contract made with, or any work being done for, the corporation except as a shareholder (other than a director) in an incorporated company;

(iv) an officer or servant holding office under this Act, a judge of the Small Cause Court or a presidency magistrate; or

(v) already a councillor whose term of office as such will not expire before his fresh election or appointment can take effect.

Provided that a person shall not be deemed to have any interest in such a contract or work as aforesaid by reason only of his having an interest in any agreement for the loan of money or any security for the payment of money only.

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1), the Governor in Council may direct that such sentence shall not operate as a disqualification.

(3) No person shall be qualified for election or appointment during the period for which he has been declared to be disqualified by a judicial order passed under section 71, and still in force.

Disqualification of councillors.

53. (1) Subject to the provisions of section 54, a councillor shall cease to be a councillor if he—

(*a*) is sentenced by a court as described in section 52, sub-section (1), clause (*a*);

(*b*) becomes of unsound mind, a deaf-mute, or a leper;

(*c*) applies to be adjudicated or is adjudicated a bankrupt or insolvent;

(*d*) subject to the proviso to section 52, sub-section (1), acquires any interest in any contract made with or work being done or to be done for the corporation except as a shareholder (other than a director) in an incorporated company;

(*e*) is employed as paid legal practitioner on behalf of the corporation;

(*f*) accepts employment as legal practitioner against the corporation;

(*g*) is appointed to any office or post referred to in section 52, sub-section (1), clause (*b*), sub-clause (iv);

(*h*) is declared to be disqualified by a judicial order passed under section 71, and still in force;

(*i*) ceases to reside in the city; or

(*j*) fails for three consecutive months to attend the meetings of the council.

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1) the Governor in Council may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be councillor under clause (*a*) or clause (*h*) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected or appointed as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Governor in Council.

(4) In the case of a person who has ceased to be a councillor in consequence of failure to attend meetings the matter shall be reported by the commissioner at the next general meeting and the council may at that meeting restore such person to office.

Decision of questions of disqualification of councillors by the chief judge of Small Cause Court.

54. (1) Whenever it is alleged that any person who has been elected or appointed as a councillor is disqualified under section 52 or section 53 and such person does not admit the allegation or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor may, and the commissioner, at the request of the council, shall apply to the chief judge of the Small Cause Court.

(2) The said chief judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under section 52 or section 53 and his decision shall be final.

(3) Pending such decision such person shall be deemed to be qualified.

General Rules for Election and Appointment.

Elections of divisional councillors.

55. (1) The term of office of divisional councillors shall, save as otherwise expressly provided, be three years beginning and expiring at noon on the first day of November.

(2) Vacancies arising by efflux of time in the office of divisional councillor shall be filled at ordinary elections, which shall be fixed by the commissioner to take place on such days in the months of August and September next preceding the vacancies as he thinks fit.

(3) A casual vacancy in the office of divisional councillor shall be filled at a casual election which shall be fixed by the commissioner to take place as soon as may be after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.

(4) A divisional councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Procedure on failure of election.

56. (1) If from any cause no councillor is elected at an ordinary election held under section 55, the retiring councillor shall, if willing to serve, be deemed to have been re-elected.

(2) If, in any such case, the retiring councillor is not willing to serve, or if at a casual election no councillor is elected,

the commissioner shall without delay inform the council, and thereupon the council may appoint a qualified person to fill the vacancy, and if the council fail within thirty days after receipt of such information to appoint a person as aforesaid, the commissioner shall fix a day for a fresh election.

(3) The term of office of a councillor appointed, elected or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or the casual election, as the case may be.

Election of same person for more than one division.

57. (1) If any person has been elected for more divisions than one, he shall within three days from the date of the last of such elections intimate to the commissioner the division for which he chooses to serve.

(2) In default of such intimation the commissioner shall notify the division for which such person shall serve.

(3) The said person shall be deemed to have been elected only for the division so chosen or so notified as the case may be; and the vacancies thereby arising in the representation of other divisions shall be filled by fresh elections.

Procedure in case of equality of votes.

58. If there is an equality of votes between two or more candidates, the commissioner shall after notice to all such candidates decide by drawing lots which candidate shall be deemed to have been elected.

Power of Local Government to make election rules.

59. (1) The Governor in Council may make rules regulating the procedure with regard to divisional and other elections.

(2) Without prejudice to the generality of sub-section (1) such rules may—

(*a*) regulate the preparation, revision and publication of the electoral roll;

(*b*) provide for the adjudication by the Court of Small Causes of disputes relating to the electoral roll or arising out of elections.

Term of office of councillors other than divisional councillors.

60. Every councillor other than a divisional councillor shall, save as otherwise expressly provided, hold office for a term of three years from the date of the *Fort St. George Gazette* wherein his election or appointment is notified.

Filling vacancy in office of councillor other than divisional councillor.

61. Whenever a vacancy occurs in the office of a councillor other than a divisional councillor a successor shall forthwith be elected or appointed in the same manner as the councillor who previously held such office.

Election Offences.

Offences in respect of electoral list.

62. (1) Every person who by claiming a qualification to vote or to be elected which he knows he does not possess or by using false documents or by a false declaration or by any other deceitful means procures the improper entry of any name in the electoral roll or the improper omission of any name therefrom shall be punished with imprisonment of either description which may extend to three months or with fine or with both.

(2) Every municipal officer or servant or polling officer who wilfully makes or procures any improper entry in the electoral roll or any improper omission therefrom shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Bribery.

63. (1) Every person who with intent to procure in the interests of himself or any other person the vote of any voter or his abstention from voting or the withdrawal of a candidate—

(*a*) lends or agrees to lend, offers, promises or gives to any person any property, money, valuable security, public or private employment or any gratification whatever other than a benefit affecting the public in general, or

(*b*) offers, promises or gives to any person the means of obtaining an electoral qualification for himself or any other person,

shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Every voter or candidate who accepts any such offer, promise or gift or contracts for or accepts a loan as a motive or reward for voting or abstaining from voting or for withdrawing his candidature shall be punished with the same punishment.

Explanation.—No agent, clerk, messenger or other person who may, in accordance with rules made by the Governor in Council, be employed for remuneration by a candidate at an election shall by reason of such employment alone be deemed to be within this section.

Undue influence.

64. Every person who—

(*a*) threatens any voter or candidate with injury to his person, reputation or property, or to the person or reputation of any one in whom he is interested, with intent—

(i) to induce such voter to vote for any candidate or to abstain from voting, or

(ii) to induce such candidate to withdraw his candidature, or

(*b*) (i) commits wrongful restraint,

(ii) publishes statements which he knows to be false, and which materially affect a candidate or his election or

(iii) employs any deceitful means,

and thereby prevents the free exercise of the right of any voter or candidate, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Fraudulent voting and personation.

65. (1) Every person who applies for a ballot paper at an election, knowing that he is not qualified to vote thereat, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Every person who applies for a ballot paper in the name of any other person living or dead, or of a fictitious person, shall be punished with the same punishment.

Infringement of secrecy of election.

66. Every polling officer, clerk or other person in attendance at the polling room who, except for some purpose authorized by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted, and every person who by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Offences by polling officers.

67. Every polling officer who permits a person to vote knowing that such person is not entitled to vote, or who prevents a person from voting knowing that such person is entitled to vote, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Falsifying result of election.

68. Every person who in the course of electoral operations falsifies or attempts to falsify the record of an election by removing, destroying, altering or fabricating nomination papers or voting papers or by any other act or by any omission, shall be punished with imprisonment of either description which may extend to one year or with fine or with both.

Procedure before magistrate.

69. No magistrate shall take cognizance of any offence punishable under sections 62 to 68 (both inclusive)—

(*a*) except on the complaint of a person whose name is on the electoral roll, and

(*b*) unless such complaint has been made within seven days of the date of the declaration of the result of any election to which the offence relates, or within seven days of the date on which the offence is alleged to have been committed.

Appeal to the High Court.

70. An appeal shall lie to the High Court from any conviction and sentence passed under sections 62 to 68.

Order of disqualification.

71. Every person convicted of an offence punishable under sections 62 to 68 shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of councillor under this Act for such period, not being less than three years or more than seven years from the date of his conviction, as the court may by order determine.

Chapter IV.—General Powers of Municipal Authorities as to Property, Contracts, Establishment.

Property.

Restrictions as to Esplanade.

72. (1) Notwithstanding anything contained in this Act, all buildings and lands belonging to the Government in that part of the military zone of Fort St. George which is known as the Esplanade, as described in Schedule III, shall be subject to the control of the Officer Commanding the Station at Madras.

(2) Permission to dig holes or pits, to alter the ground level or to accumulate material within the Esplanade or to construct or re-construct a building on the Esplanade shall not be given or be deemed to have been given unless and until the sanction of the Governor in Council and of the Governor-General in Council has been obtained.

Provided that the erection of temporary huts or structures for stated limited periods for the accommodation of circuses, theatres and other shows, may be permitted by the Officer Commanding the Station at Madras on the recommendation of the Commissioner of Police and with the sanction of the commissioner.

Provided also that no permission under sub-section (2) shall be necessary in respect of execution by the corporation of such lawful works as are required for the maintenance of roads, drains, water-pipes, electric cables and wires.

(3) Such sanction shall not be applied for unless the plan of the buildings and the site-plan of the land or the latter alone as the case may be have been approved by the commissioner and the Officer Commanding the Station at Madras.

(4) If any such act or operation as is referred to in sub-section (2) of this section is commenced, carried on or completed without the sanction of the Governor in Council and the Governor-General in Council or the Officer Commanding the Station at Madras as the case may be, the commissioner shall, if so requested by the Officer Commanding the Station at Madras, and within 14 days after receiving such requisition, by notice direct the person doing or controlling the act or operation to fill up such hole or pit, to remove such alteration of ground level or such accumulation of material, and to demolish anything constructed or re-constructed within a period to be specified in such notice, or shall cause the same to be done at the expense of such person.

(5) No person shall be entitled to compensation on account of anything done or caused to be done under sub-section (4).

(6) Any person who fails to obey the direction of the commissioner under sub-section (4), shall be liable on conviction to the penalty provided in section 362 in respect of a building other than a well or hut.

Limitation of power to accept property in trust.

73. The council may accept trusts relating exclusively to the furtherance of purposes to which the municipal fund may be applied.

Acquisition of property and interests therein.

74. Subject to the provisions of section 80, the commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interests in such property :

Provided that—

(*a*) the commissioner shall be bound by any resolution of the standing committee fixing terms, rates or maximum prices for a particular case or for any class of cases ;

(*b*) the sanction of the standing committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift, or bequest of property burdened by an obligation ; and

(*c*) the sanction of the council shall be required—

(i) for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees,

(ii) for the taking of any property on lease for a term exceeding three years, or

(iii) for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds one thousand rupees.

Disposal of property and interests therein.

75. (1) Subject to the provisions of section 80, the commissioner may dispose by sale or exchange of any corporation movable property the value of which does not exceed five hundred rupees in each instance, or grant for any term not exceeding twelve months a lease of any corporation immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like :

Provided that every such disposal, lease or concession made or granted by the commissioner shall be reported to the standing committee within fifteen days.

(2) With the sanction of the standing committee, the commissioner may dispose by sale or exchange of any corporation movable property the value of which does not exceed five thousand rupees in each instance, or grant for any term not exceeding three years a lease of any corporation immovable property, or a lease or concession of any such right as aforesaid.

(3) With the sanction of the council, the commissioner may lease, sell or otherwise dispose of any corporation property, movable or immovable.

(4) The sanction of the standing committee under sub-section (2) or that of the council under sub-section (3) may be given either generally for any class of cases or specially for any particular case.

Procedure for acquisition of immovable property under the Land Acquisition Act, 1894.

76. Any immovable property which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the corporation.

Contracts.

Power of council to determine whether works shall be executed by contract.

77. The council may determine either generally for any class of cases or specially for any particular case whether the commissioner shall execute works by contract or otherwise.

Power of the several authorities to sanction estimates.

78. (1) The commissioner may sanction any estimate, the amount of which does not exceed ten thousand rupees.

(2) When the amount of the estimate exceeds ten thousand rupees but does not exceed fifty thousand rupees, the sanction of the standing committee shall be required.

Works costing more than 50,000 rupees.

79. (1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds fifty thousand rupees,

(*a*) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the standing committee shall lay the same before the council ;

(*b*) the council shall consider the report and may reject the project or may approve it either in its entirety or subject to modifications ;

(2) (*a*) where the council approves the project, and the entire estimated cost exceeds two and a half lakhs of rupees, the report, subject to any modifications as aforesaid, shall be submitted to the Governor in Council.

(*b*) The Governor in Council may reject the project or may sanction it either in its entirety or subject to modification.

(*c*) The work shall not be commenced until the project has been sanctioned by the Governor in Council with or without modification.

(*d*) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Governor in Council.

General provisions regarding contracts.

80. (1) The council may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of this Act.

(2) With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely—

(*a*) every contract shall be made on behalf of the corporation by the commissioner ;

(*b*) no contract for any purpose which, in accordance with any provision of this Act, the commissioner may not carry out without the sanction of one of the other municipal authorities, shall be made by him unless such sanction has been given ;

(*c*) no contract involving an expenditure exceeding ten thousand rupees and not exceeding fifty thousand rupees shall be made by the commissioner unless it has been sanctioned by the standing committee ;

(*d*) no contract involving an expenditure exceeding fifty thousand rupees shall be made by the commissioner unless it has been sanctioned by the council.

(*e*) every contract made by the commissioner involving an expenditure exceeding one thousand rupees and not exceeding ten thousand rupees shall be reported to the standing committee within fifteen days after it has been made.

(3) The provisions of sub-section (2) shall apply to any variation of a contract involving an increase of more than ten per centum on the expenditure involved in the original contract.

Mode of making contracts.

81. (1) Every contract entered into by the commissioner on behalf of the corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf, and may in like manner and form be varied or discharged :

Provided that—

(*a*) the common seal of the corporation shall be affixed to every contract, which if made between private persons, would require to be under seal ; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify—

(i) the work to be done or the materials or goods to be supplied, as the case may be,

(ii) the price to be paid for such work, materials or goods, and

(iii) in the case of a contract for work, the time within which the work or specified portions thereof shall be completed.

(2) The common seal of the corporation shall remain in the custody of the commissioner and shall not be affixed to any contract or other instrument except in the presence of the commissioner or of two members of the standing committee, and the commissioner or the said two members shall sign the contract or instrument in token that the same was sealed in his or their presence.

(3) No contract executed otherwise than as provided in this section shall be binding on the corporation.

Invitation of tenders.

82. (1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, the commissioner shall give notice by advertisement inviting tenders for such contract:

Provided that the standing committee may, for reasons which shall be recorded in its proceedings, authorize the commissioner to enter into a contract without inviting tenders.

(2) On receipt of the tenders made in pursuance of the notice given under sub-section (1), the commissioner may, subject to the provisions of section 80, accept any tender which appears to him, upon a view of all the circumstances, to be the most advantageous, but he shall not reject all the tenders without the sanction of the standing committee.

Saving of certain irregularities.

83. When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of section 80, section 81 or section 82 merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.

Security for performance of contracts.

84. The commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters under this Act.

Establishment.

The health officer, the engineer, and the revenue officer.

85. (1) The council shall appoint a health officer, an engineer and a revenue officer, who shall be heads of departments working under the commissioner:

Provided that—

(*a*) every such appointment shall be subject to confirmation by the Governor in Council; and

(*b*) the monthly salary of the health officer and the engineer shall not be less than six hundred rupees and shall not exceed fifteen hundred rupees and the monthly salary of the revenue officer shall not be less than six hundred rupees and shall not exceed twelve hundred rupees.

(2) The said officers shall devote their whole time and attention to the duties of their respective offices and shall not engage in any other profession, trade or business whatever.

Special superior appointments.

86. The council may appoint—

(*a*) special health officers for the purpose of making investigations and proposing preventive or remedial measures with reference to the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city;

(*b*) special engineers, architects or experts in town improvement or town-planning for the purpose of preparing, executing or supervising any special scheme undertaken by the corporation;

(*c*) special revenue officers for the purpose of carrying out a periodical revision of assessment, introducing a new tax or discharging any extraordinary duty connected with the revenue administration of the corporation:

Provided that—

(i) no such special office shall be created without the sanction of the Governor in Council;

(ii) the period of duration of any such office, the salary, the allowances and the conditions of service attaching thereto shall be fixed by the council subject to the sanction of the Governor in Council, save as expressly laid down in section 88, and shall not be varied without the like sanction; and

(iii) every appointment to any such office shall be subject to confirmation by the Governor in Council.

Time within which vacancy in superior appointment must be filled up.

87. (1) If a vacancy occurs in any office specified in sections 85 and 86 or any new office is created under section 86, the council shall within three months appoint some person to hold such office.

(2) If the Governor in Council refuses to confirm the appointment so made, the council shall make a fresh appointment within thirty days from the receipt of the order refusing confirmation.

(3) In default of any appointment or fresh appointment being made in accordance with sub-section (1) or sub-section (2), as the case may be, the Governor in Council may appoint a person to hold the office and such person shall be deemed to have been appointed by the council.

(4) Pending an appointment under sub-section (1) or sub-section (2), the council may appoint a person to hold the office temporarily and may assign to him such salary as it shall think fit:

Provided always that the salary so assigned shall not exceed the maximum laid down in section 85 or fixed with the sanction of the Governor in Council under section 86 in respect of the office.

Removal and leave, pensionary and leave contributions of superior officers.

88. (1) Any officer appointed under section 85, section 86 or sub-section (3) of section 87 may be removed from office by the Governor in Council and shall be so removed if his removal is recommended by a resolution of the council passed at a special meeting called for the purpose and supported by the votes of not less than thirty-three councillors.

(2) Leave may be granted to any such officer by the commissioner for periods not exceeding one month and by the council for longer periods.

(3) If any such officer is a civil or military officer in the service of the Government, the corporation shall contribute to his leave allowances, pension and provident fund to the extent required by the regulations of the Governor-General in Council for the time being in force with respect to civil and military officers.

(4) If any such officer is not a civil or military officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the municipal fund shall be governed by regulations approved by the Governor in Council.

Provided that:—

(*a*) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the Governor-General in Council exceed what would be admissible in the case of Government servants of similar standing and status; and

(*b*) the conditions under which such allowances are granted, or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Power of Local Government to appoint special health officers.

89. In the event of the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city the Governor in Council, if he considers immediate action necessary, may of his own motion appoint a special health officer wholly or partly at the expense of the municipal fund:

Provided that—

(*a*) the duration of the special office shall not exceed six months; and

(*b*) the corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof.

Appointments to corporation establishment.

90. Subject to the provisions of sections 85, 86, 87 and 89, appointments to the corporation establishment shall be made—

(*a*) by the council, if the maximum monthly salary of the office exceeds five hundred rupees;

(*b*) by the commissioner in all other cases.

Establishment schedule.

91. (1) The commissioner shall, from time to time, lay before the standing committee a schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the corporation establishment, and embodying his proposals with regard to the salaries, fees and allowances payable to them.

(2) The standing committee may either approve or amend such schedule as it thinks fit and shall lay it before the council with its remarks if any.

(3) The council shall sanction such schedule with or without modifications as it thinks fit and may from time to time amend it at the instance of the commissioner and standing committee.

Provided that no new office shall be created without the sanction of the Governor in Council if the maximum monthly salary exceeds two hundred and fifty rupees.

Restriction of employment of establishment.

92. No officer or servant shall be entertained on the corporation establishment unless he has been appointed under section 85, section 86, section 87 or section 89 or unless his office and emoluments are included in the schedule sanctioned under section 91.

Commissioner controls corporation establishment.

93. Subject to the provisions of this Act and to the by-laws and regulations for the time being in force, the commissioner shall prescribe the duties of the corporation establishment and exercise supervision and control over their acts and proceedings and dispose of all questions relating to their conduct, service, pay, allowances, leave, pension and provident fund privileges.

Contributions in respect of Government servants.

94. If an officer or servant serving or having served under the corporation is or has been transferred from or to the service of the Government, or is employed partly by the Government and partly by the corporation, the corporation shall contribute to his pension and leave allowances to the extent required by the rules made by the Governor-General in Council in this behalf and for the time being in force.

Power of standing committee to frame service regulations.

95. Subject to the provisions of sections 86, 88 and 94, the standing committee may frame regulations in respect of the corporation establishment—

(*a*) fixing the amount and nature of security to be furnished;
(*b*) prescribing educational or other qualifications;
(*c*) regulating the grant of leave, leave allowances and acting allowances;
(*d*) regulating the grant of pensions and gratuities;
(*e*) establishing and maintaining provident funds and making contribution thereto compulsory;
(*f*) regulating conduct; and
(*g*) generally prescribing conditions of service:

Provided that every regulation so framed shall be subject to confirmation by the council, and that every regulation framed under clause (*d*) or clause (*e*) shall also require the sanction of the Governor in Council.

Provided also (i) that the amount of any leave and leave allowances, gratuity or pension granted under these regulations shall in no case without the special sanction of the Governor-General in Council exceed what would be admissible in the case of Government servants of similar standing and status, and (ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Power to punish establishment.

96. (1) Any officer or servant other than an officer appointed under section 85, section 86, or sub-section (3) of section 87 may be fined, reduced, suspended, removed or dismissed by the authority competent to appoint him; and the order of such authority shall be final:

Provided that any officer or servant in receipt of a salary of not less than one hundred rupees may appeal to the standing committee against any order of the commissioner removing or dismissing him or suspending him for a period of more than three months.

(2) Pending a resolution of the council the commissioner may suspend any officer appointed by that authority:

Provided always that he shall forthwith report to the council the reasons for his action.

Power to grant leave to establishment.

97. Save as provided in section 88, leave may be granted to the corporation establishment by the commissioner.

PART III.

TAXATION AND FINANCE

Chapter V.—Taxation.

Enumeration of Taxes.

Enumeration of taxes, duties and tolls.

98. The corporation may levy—

(*a*) a property tax,
(*b*) a tax on companies,
(*c*) a profession tax,
(*d*) a tax on carriages and animals,
(*e*) a tax on carts,
(*f*) a tax on timber brought into the city,
(*g*) tolls on vehicles and animals entering the city,

and may, with the previous sanction of the Governor in Council and the Governor-General in Council, levy

(*h*) a duty on certain transfers of property in the shape of an additional stamp duty.

The Property Tax.

The consolidated property tax.

99. (1) The property tax, which shall be levied at a consolidated rate on all buildings and lands within the city save those exempted by or under this Act or any other law for the time being in force, shall comprise—

(*a*) a water and drainage tax for the purpose of defraying the expenses connected with the water and drainage systems;

(*b*) a lighting tax for the purpose of defraying the expenses connected with the lighting of the city; and

(*c*) a tax for general purposes.

(2) Subject to the provisions of section 102, the taxes described in sub-section (1) shall be levied at rates fixed at percentages of the annual value of lands and buildings, such rates being determined by the council.

(3) For the purpose of assessing the property tax the annual value of any building or land shall be determined by the commissioner.

Method of assessment of property tax.

100. (1) Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year, less a deduction of ten per centum of such annual rent and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever.

Provided that—

(*a*) if the gross annual rent of buildings of a class not ordinarily let cannot, in the opinion of the commissioner, be estimated, the annual value of the premises shall be deemed to be six per centum on the sum obtained by adding the estimated present cost of erecting the buildings less a reasonable amount on account of depreciation, if any, to the estimated value of the land valued with the buildings as part of the premises,

(*b*) machinery shall be excluded from valuations under this section.

General exemptions.

101. The following buildings and lands shall be exempt from the property tax:—

(*a*) buildings set apart for public worship and either actually so used or used for no other purpose;

(*b*) hospitals;

(*c*) burial and burning grounds included in the list published by the commissioner under section 321 (3) of this Act;

(*d*) the bed of the Cooum, the bed of the Adyar, the Buckingham canal and all such other property of Government not being buildings as may from time to time be notified by the Governor in Council with the consent of the corporation; and

(*e*) any building or land the annual value whereof is less than eighteen rupees and the owner whereof has no other building or land assessed to the property tax.

Special exemptions and alternative base of property tax.

102. The council shall levy the property tax at a uniform rate :

Provided that—

(*a*) the council may, with the sanction of the Governor in Council, exempt any local area from the whole or a proportion of the water and drainage tax or of the lighting tax on the ground that such areas are not deriving benefit from the water-supply and drainage or from the lighting system ;

(*b*) the council may by a general resolution exempt any building or land from the property tax—

(i) if the annual value of the same does not exceed a sum specified in the said resolution, such sum not being greater than thirty-six rupees, and

(ii) the owner does not own any other building or land assessed to the property tax and is not liable to income-tax ;

(*c*) in the case of any land which is not appurtenant to any building or which is occupied by or appurtenant to huts the commissioner may assess the land or premises, as the case may be, with reference to extent in lieu of annual value and at such rates as he may himself determine subject always to the following maxima per ground of land measuring two thousand and four hundred square feet :—

(i) for the water and drainage tax—three rupees ;

(ii) for the lighting tax—one rupee ;

(iii) for the tax for general purposes—four rupees ;

(*d*) in the case of lands and buildings vested in the trustees of the port of Madras the property tax leviable in any year shall not exceed four per centum of the gross earnings made by the Port Trust in that year.

Property tax, a first charge on property and movables.

103. The property tax on buildings and lands shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax.

Payment of property tax in half-yearly instalments.

104. The property tax shall be paid by the owner of the assessed premises in two equal instalments, each instalment being payable, save as otherwise expressly provided in schedule IV, within fifteen days after the commencement of the half-year to which it relates.

Vacancy remission.

105. (1) When any building has been vacant for thirty consecutive days in any half-year, the commissioner shall, if the owner of such building or his agent has given notice, remit so much, not exceeding a moiety of the tax due for such half-year, as is proportionate to the number of days during which the building was vacant.

(2) Every such notice shall expire with the half-year during which it is so delivered, and shall have no effect thereafter.

Obligation of transferor and transferee to give notice of transfer.

106. (1) Whenever the title of any person primarily liable to the payment of the property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be effected, give notice of such transfer to the commissioner.

(2) In the event of the death of any person primarily liable as aforesaid the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the commissioner within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the commissioner may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the commissioner any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the commissioner shall continue liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers, but nothing in this section shall be held to affect—

(*a*) the liability of the transferee for the payment of the said tax, or

(*b*) the prior claim of the corporation under section 103.

Owner's obligation to give notice of construction or re-construction of building.

107. If any building is constructed or re-constructed, the owner shall give notice thereof to the commissioner within fifteen days from the date of its completion or occupation whichever is earlier.

Owner's obligation to give notice of demolition of building and liability on failure.

108. (1) If any building is demolished, the owner shall give notice thereof to the commissioner.

(2) Until such notice is given the said owner shall be liable, at the discretion of the commissioner, for the payment of the property tax which would have been leviable had such building not been demolished.

Commissioner's power to call for information and to enter upon premises.

109. (1) For the purpose of assessing the property tax, the commissioner may, by notice, call on the owner or occupier of any building or land to furnish him, within a week after the service of the notice, with returns of the rent payable for the building or land, the cost of erecting the building and the measurements of the land, and every owner or occupier upon whom any such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

(2) For the purpose aforesaid the commissioner may enter, inspect, survey and measure any building or land, after giving twenty-four hours' notice to the owner or occupier.

Tax on Companies.

Taxation of companies trading for sixty days in half-year on their capital.

110. Every incorporated company transacting business within the city for profit or as a benefit society shall pay by way of licence fee in addition to any other licence fee that may be leviable under this Act a half-yearly tax on its paid-up capital on the scale shown in the taxation rules in Schedule IV but in no case exceeding rupees one thousand, if and as soon as it has transacted business in the city for the period prescribed in section 113.

Explanation.—Whenever a company has an office, agent or firm to represent it for the purpose of transacting business in the city, such company shall be deemed to transact business in the city and such office, agent or firm shall be liable for the tax in respect of the company's business, whether or not such office, agent or firm has power to make binding contracts on behalf of the company.

Profession Tax.

Licence tax on professions, arts, trades, callings and appointments.

111. (1) Every person not liable for the companies' tax who, within the city and for the period prescribed in section 113, exercises a profession, art, trade or calling or holds any appointment, public or private, bringing him within one or more of the classes of persons specified in the taxation rules in Schedule IV shall pay by way of licence fee and in addition to any other licence fee that may be leviable under this Act a tax as determined under the said rules but in no case exceeding rupees five hundred in the half-year ; and such tax may be described as the profession tax.

Explanation 1.—Every person who exercises a profession, art, trade or calling or holds any appointment within the limits of Fort St. George shall be deemed to exercise such profession, art, trade or calling or to hold such appointment within the city.

Explanation 2.—A person in receipt of a pension paid from any source shall be deemed to be a person holding an appointment within the meaning of this section.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all professions, arts, trades, callings and appointments exercised or held by him.

(3) No person who shall prove that he has paid the sum due on account of the profession tax levied under the Madras District Municipalities Act, 1884, or any tax of the nature of a profession tax imposed under the Cantonments Act, 1910, for the same half-year in any other municipality or cantonment in the Madras Presidency shall be liable by reason merely of change of business, appointment, residence or place of business to pay more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the half-year under this Act.

Liability of member of firm or undivided family for profession tax.

112. The profession tax leviable from a firm or undivided Hindu family may be levied from any member of that firm or family.

Provisions common to Companies' and Profession Tax.

Payment when due and notice to pay.

113. If for sixty days in the aggregate in any half-year any company transacts business or any person exercises a profession, art, trade or calling or holds any appointment rendering him liable to the profession tax, such company or other person shall become liable for the companies' or profession tax, as the case may be, and if the tax due in respect of the half-year is not paid, the commissioner shall cause a notice to be served on such person to pay it within fifteen days from the date of such service.

Requisition on owner or occupier to furnish list of persons liable to tax.

114. The commissioner may by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers to furnish within a specified time a list in writing containing the names of all persons occupying such building or land and specifying the profession, art, trade or calling, or appointment of every such person and the rent, if any, paid by him.

Requisition on employers or their representatives to furnish list of persons liable to tax.

115. The commissioner may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding-house or club, or of a firm or company—

(*a*) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding-house or club, firm or company as officers, servants, dubashes, agents, suppliers or contractors with a statement of the salary or income of each of such employed persons; and

(*b*) to furnish particulars in regard to any incorporated company of which such employer, head, secretary or manager, as the case may be, is the agent.

Tax on Carriages and Animals.

General provisions regarding tax on carriages and animals.

116. (1) The tax on carriages and animals shall be levied by half-yearly instalments on carriages and animals kept within the city which are of the kinds specified in Part III of Schedule IV.

(2) The rates of the tax shall be determined by the council, provided always that they shall not exceed the maxima laid down in Part III of Schedule IV.

Liability to tax according to period for which carriage or animal has been kept.

117. (1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept within the city for an aggregate period of not less than sixty days in the half-year.

Provided that if such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half-yearly tax shall be leviable.

(2) Every person having possession, custody or control of any taxable carriage or animal within the city shall, until the contrary is shown, be presumed to have kept the same within the city for sixty days in the half-year.

(3) Notwithstanding anything contained in sub-section (1) no person shall be liable to taxation during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid by some other person.

Exemptions.

118. The carriage and animal tax shall not be levied on—

(*a*) carriages and animals belonging to the Government;

(*b*) carriages and animals belonging to members of the town police or to officers or servants of the corporation employed on out-door duties, provided always that exemption under this clause shall not extend to more than one carriage and two animals for any one such person;

(*c*) carriages and animals kept solely for sale by carriage-makers and dealers;

(*d*) carriages which have been under repair or standing at a carriage-maker's during the whole of the half-year;

(*e*) animals which during the whole of the half-year have been kept in any institution for the reception of infirm or disused animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year;

(*f*) horses belonging to mounted officers as defined in the regulations made from time to time under the Indian Defence Force Act, 1917, and to soldiers who are members of Light Horse, Mounted Rifles or Mounted Infantry regiments, squadrons or platoons provided always that exemption under this clause shall not extend to more than one horse for each officer or soldier;

(*g*) motor-cycles belonging to officers and soldiers of a motor-cycle company, platoon or section or to other officers and soldiers whose motor-cycles are certified by the officer commanding their corps to be in good order and of actual service for the work of the corps provided always that exemption under this clause shall not extend to more than one motor-cycle for each officer or soldier;

(*h*) bicycles belonging to and solely used by bona fide members of cyclist sections of the Indian Defence Force provided always that exemption under this clause shall not extend to more than one bicycle for each officer or soldier.

Composition.

119. With the sanction of the standing committee or in accordance with regulations framed by that body, the commissioner may compound, for any period not exceeding one year, with any livery stable-keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

Requisition on occupier to furnish statement of persons liable to tax.

120. (1) The commissioner may by notice require the occupier of any premises to furnish him with a statement—

(*a*) showing the name and address of every person who has possession, custody or control of any carriage or animal which is kept in such premises and is liable to the carriage and animal tax;

(*b*) containing a description of every such carriage or animal.

(2) The occupier shall sign the statement and transmit it to the municipal office within one week from the date of his receipt of the notice.

Grant of licence on payment of tax.

121. When any person pays the amount of tax due in respect of any carriage or animal, the commissioner shall grant him a licence to keep such carriage or animal for the period to which the payment relates.

Power to require numbers to be affixed to bicycles, etc.

122. (1) The commissioner may direct that a municipal number shall be affixed—

(*a*) to every carriage let out for hire within the city, and

(*b*) to every bicycle and tricycle kept within the city.

Provided that no municipal number shall be requisite in the case of carriages to which the Indian Motor Vehicles Act, 1914, or the Madras Hackney Carriage Act, 1911, is applicable.

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.

Obligation of Commissioner of Police to satisfy himself of payment of municipal tax on hackney carriage before registering it.

123. Before registering any hackney carriage under the Madras Hackney Carriage Act, 1911, the Commissioner of Police shall satisfy himself that the corporation has received payment of the tax, if any, due under section 116 on account of the last preceding half-year and the current half-year.

Tax on Carts.

Registration of carts.

124. (1) Every owner of a cart kept or let out for hire within the city shall register it at the municipal office once in each half-year.

Fee for registration.

(2) Such tax not exceeding four rupees as the commissioner may fix shall be paid on each registration under sub-section (1):

Provided that in the case of a cart on account of which tax has already been paid by a previous owner no further tax shall be payable in respect of a subsequent registration during the same half-year.

Affixing number on carts.

(3) The commissioner may direct that a municipal number shall be affixed to every registered cart.

Notification of days of registration.

(4) The commissioner shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

Entry of registration in book.

(5) All registrations made and numbers affixed under this section shall be entered in a book to be kept for the purpose at the municipal office.

Inspection of register.

(6) Such book shall be open to the inspection of any tax-payer at all reasonable times without charge.

Exemptions.

125. Nothing in section 124 shall apply to—

(*a*) gun carriages, ordnance carts or wagons or other such property of the Government; and

(*b*) carts kept solely for sale by cart-makers and dealers.

Power to remit tax on cart kept for less than fifteen days or not used.

126. The commissioner may remit the whole or a portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept or let out for hire within the city for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cart-maker's during the whole of the half-year.

Power to seize Carriages and Carts not bearing numbers.

Seizure of vehicles not bearing numbers.

127. If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 122 or section 124, as the case may be, the commissioner may at any time seize and detain the vehicle and the animal, if any, by which it is drawn :

Provided that no vehicle other than a bicycle, tricycle, motor-bicycle or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

Procedure after seizure.

128. (1) If a vehicle or animal is detained under section 127 and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon within ten days from the date of seizure, the commissioner may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(i) the tax, if any, due on the vehicle or animal sold ;

(ii) such penalty not exceeding the amount of the tax as the commissioner may direct ; and

(iii) the charges incurred in connexion with the seizure, detention and sale.

(2) If there is a surplus after such payment, the commissioner shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(i) the tax due thereon ;

(ii) such penalty not exceeding the amount of the tax as the commissioner may direct ; and

(iii) the charges incurred in connexion with the seizure and detention.

Tax on Timber.

Tax on timber.

129. (1) The tax on timber brought into the city shall be levied at such rates and in such manner as may be determined by the council ;

Provided that such rates shall not exceed rupees five per ton ;

Provided also that when any timber in respect of which the tax has been paid is exported beyond the city, nine-tenths of the tax levied thereon shall be refunded.

(2) No timber shall be brought into the city unless the tax due thereon be paid.

(3) The council may make by-laws for the seizure and sale of timber in respect of which the tax due is not paid.

Tolls.

Levy of tolls.

130. The corporation may levy tolls as specified in Part IV of Schedule IV on any vehicle or animal entering the city :

Provided that no toll shall be levied on any vehicle or animal—

(*a*) licensed or registered by the corporation,

(*b*) exempted by or under the Indian Tolls (Army) Act, 1901,

(*c*) belonging to the Government,

(*d*) carrying any municipal or police officer on duty, or

(*e*) carrying any person or property in the custody of a police officer.

Construction of toll-bars and collection of tolls.

131. The commissioner may construct toll-bars and toll-stations and—

(*a*) may place the collection of the tolls under the management of such persons as he thinks fit, or

(*b*) may, subject to regulations, if any, made by the standing committee farm them out on such terms and conditions as may be necessary with liberty to the farmer to exercise all or any of the powers conferred by or under this Act for the levy and collection of tolls, and

(*c*) may, with the sanction of the standing committee or in accordance with regulations framed by that body, compound with any person living outside the city for a certain sum to be paid yearly or half-yearly in lieu of all tolls payable under the provisions of this Act.

Procedure on non-payment of toll.

132. (1) If the toll leviable on a vehicle or animal is not paid on demand, the person appointed to collect the toll may seize and detain such portion of the appurtenances or load of such vehicle or animal as will, in his opinion, suffice to defray the amount due ; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the vehicle or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the commissioner or to such person as he may have authorized to receive and sell such property and the commissioner shall forthwith give public notice that after the expiry of two days, exclusive of Sunday, from the date of notice the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the amount due on account of the toll, together with all expenses incidental to the seizure and detention, is tendered to the commissioner or other person authorized as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property shall be sold and the proceeds of the sale applied to the payment of—

(i) the amount due on account of the toll,

(ii) such penalty not exceeding the amount of the toll as the commissioner may direct, and

(iii) the charges incurred in connexion with the seizure, detention and sale.

(5) If there is a surplus after such payment, the commissioner shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

Attempts to evade payment of tolls.

133. No person shall with intent to evade payment of toll cause a vehicle or animal—

(*a*) to pass a toll-station without stopping if he is required by the toll-keeper to stop ; or

(*b*) to leave a street on which a toll-station has been placed and pass over any adjacent land, not being either a public street or land, of which such person is the owner or occupier.

Table of tolls.

134. At every toll-bar or toll-station a table of the tolls leviable shall be put up legibly written or painted in English and in the Tamil, Telugu and Hindustani languages in some conspicuous place near such toll-bar or toll-station.

Duty on Transfers of Property.

Method of assessment of duty on transfers of property.

135. The duty on transfers of property shall be levied in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, on instruments of sale, gift and mortgage with possession of immovable property situated within the

limits of the city which may be executed after the commencement of the Act at a rate not exceeding two per centum on, as the case may be, the amount of the consideration, the value of the property, or the amount secured by the mortgage, as set forth in the instrument.

Provisions applicable on the introduction of transfer duty.

136. On the introduction of the transfer duty,

(*a*) Section 27 of the Indian Stamp Act, 1899, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the city.

(*b*) Section 64 of the Indian Stamp Act, 1899, shall be read as if it referred to the corporation as well as the Government.

Power to make rules regarding assessment and collection of transfer duty.

137. The Governor in Council may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.

Rules in Schedule IV.

138. The rules and tables embodied in Schedule IV shall be read as part of this chapter.

CHAPTER VI.—FINANCE.

The Municipal Fund.

Definition of municipal fund.

139. All moneys received by the corporation shall constitute a fund which shall be called the municipal fund and shall be applied and disposed of in accordance with the provisions of this Act.

Audit of accounts.

140. The Governor in Council shall appoint auditors of the accounts of receipt and expenditure of the municipal fund. Such auditors shall be deemed to be 'public servants' within the meaning of section 21 of the Indian Penal Code.

Financial rules.

141. With regard to the deposit, investment and expenditure of the municipal fund and the audit of the municipal accounts the rules in Schedule V shall be observed.

Loans.

Power of corporation to borrow money.

142. (1) The council may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, duties, tolls, fees and dues authorized by or under this Act, any sums of money which may be required—

(*a*) for the construction of works,

(*b*) for the acquisition of land, or

(*c*) to pay off any debt due to the Government, or

(*d*) to re-pay a loan previously raised under this Act or other Act previously in force :

Provided that :—

(i) no loan shall be raised without the previous sanction of the Governor in Council or, if the loan exceeds Rs. 5,00,000 or is to be re-paid after a period exceeding thirty years, of the Governor-General in Council ;

(ii) the rate of interest and the terms as to the time and method of re-payment and the like shall be subject to the approval of the Governor in Council or, if the loan exceeds Rs. 5,00,000 or is to be re-paid after a period exceeding thirty years, of the Governor-General in Council.

(2) When any sum of money has been borrowed under sub-section (1),—

(*a*) no portion thereof shall without the previous sanction of the Governor in Council be applied to any purpose, other than that for which it was borrowed, and

(*b*) no portion of any sum of money borrowed under sub-section (1), clause (*a*), shall be applied to the payment of salaries or allowances to any municipal officers or servants other than those exclusively employed upon the works for the construction of which the money was borrowed.

Time for re-payment of money borrowed under section 142.

143. The time for the re-payment of any money borrowed under section 142 shall in no case exceed sixty years, and the time for the re-payment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Governor-General in Council, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Limit of borrowing powers.

144. Notwithstanding anything hereinbefore contained, the borrowing powers of the corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter provided, and for interest and re-payment of any sums borrowed otherwise shall not, except with the express sanction of the Governor-General in Council, exceed twelve and a half per cent of the annual value of buildings and lands as determined under chapter V.

Form and effect of debentures.

145. All debentures issued under this chapter shall be in such form as the council, with the previous sanction of the Governor-General in Council, may determine, and shall be transferable in such manner as shall be therein expressed ; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

Payment to survivors of joint payees.

146. When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such persons :

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

Receipt by joint holder for interest or dividend.

147. When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the corporation by any other of such persons.

Maintenance and investment of sinking funds.

148. (1) The corporation shall maintain sinking funds for the re-payment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the re-payment within the period fixed for the loan of all moneys borrowed on debentures issued.

(2) All money paid into the sinking funds shall, as soon as possible, be invested under the orders of the council in—

(*a*) securities of the Government of India, or

(*b*) securities guaranteed by the Government, or

(*c*) Madras municipal debentures ;

and shall be invested in the joint names of the Chief Secretary to the Government of Madras, and the Accountant-General of Madras, to be held by them as trustees for the purpose of re-paying at due date the debentures issued by the corporation.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) When any part of a sinking fund is invested in Madras municipal debentures, or is applied in paying off any part of a loan before the period fixed for re-payment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

Application of sinking fund.

149. The aforesaid trustees may apply a sinking fund, or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created ; and until such loan or part is wholly discharged shall not apply the same for any other purpose :

Provided that when any loans or parts thereof have been consolidated under section 151, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

Annual statement by trustees.

150. (1) The aforesaid trustees shall, at the end of every year, submit to the corporation a statement showing—

(*a*) the amount which has been invested during the year under section 148,

(*b*) the date of the last investment made previous to the submission of the statement,

(*c*) the aggregate amount of the securities then in their hands, and

(*d*) the aggregate amount which has up to the date of the statement been applied under section 149 in or towards discharging loans.

(2) Every such statement shall be laid before the council and published.

Power of corporation to consolidate loans.

151. (1) Notwithstanding anything to the contrary contained in this chapter, the corporation may consolidate all or any of their loans and for that purpose may invite tenders for a new loan (to be called the 'municipal consolidated loan, 19 ') and invite the holders of municipal debentures to exchange their debentures for scrip of such loan.

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the Governor-General in Council.

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the Governor-General in Council, extend beyond the farthest date within which any of the loans to be consolidated would be otherwise re-payable.

(4) The corporation shall provide for the re-payment of any such consolidated loan by a sinking fund in the manner laid down in section 148 having regard to the amount transferred to such sinking fund under section 149.

Priority of payments for interest and re-payment of loans over other payments.

152. All payments due from the corporation for interest on and re-payment of loans shall be made in priority to all other payments due from the corporation.

Attachment of municipal fund for recovery of money borrowed from Government.

153. (1) If any money borrowed by the corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not re-paid according to the conditions of the loan, the Governor in Council may attach the municipal fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the Governor in Council shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

Budget.

Estimates of expenditure and income to be prepared annually by the commissioner.

154. The commissioner shall, on or before the tenth day of December each year, prepare and submit to the standing committee a budget containing a detailed estimate of income and of expenditure for the ensuing year, and, if it is in his opinion necessary or expedient to vary taxation or to raise loans, shall submit his proposals in regard thereto.

Budget estimate to be prepared by the standing committee.

155. (1) The standing committee shall, on or as soon as may be after the tenth day of December, consider the estimates and proposals of the commissioner and, after having obtained from the commissioner such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the corporation for the next year.

(2) In such budget estimate, the standing committee shall—

(*a*) provide for the payment, as they fall due, of all instalments of principal and interest for which the corporation may be liable on account of loans;

(*b*) allow for a cash balance at the end of the year of not less than one lakh of rupees.

(3) The commissioner shall cause the budget estimate, as finally approved by the standing committee, to be printed and shall, not later than the fifteenth day of January, forward a printed copy thereof to each councillor.

Consideration of budget estimate by the council.

156. At a meeting of the council which shall be called for some day in February, the budget estimate prepared by the standing committee shall be laid before the council.

Procedure of council.

157. The council may refer the budget estimate back to the standing committee for further consideration and re-submission within a specified time, or adopt the budget estimate or any revised budget estimate submitted to it, either as it stands, or subject to such alteration as it deems expedient: provided that the budget estimate finally adopted by the council shall make adequate and suitable provision for each of the matters referred to in clauses (*a*) and (*b*) of section 155, sub-section (2).

Obligation to pass budget before the beginning of the year.

158. The council shall finally pass the budget estimate before the beginning of the year to which it relates and forthwith submit a copy thereof to the Governor in Council.

Council may pass supplemental budget.

159. The council may, on the recommendation of the standing committee, from time to time during any year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirement arising during that year, but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees.

Rule as to unexpended budget grants.

160. If any portion of a budget grant remains unexpended at the close of the year in the budget estimate for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the municipal fund entered in the budget estimate of the next following year, or in any intervening modification of the budget estimate, the standing committee may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention of sanction, of the purpose or object for which the budget grant was made, but not for any other purpose or object.

Reduction or transfer of budget grants.

161. (1) The standing committee may, if it thinks necessary, at any time during the year—

(*a*) reduce the amount of a budget grant; or

(*b*) transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant:

Provided that—

(i) due regard shall be had, when making any such reduction or transfer, to all the requirements of this Act;

(ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the council shall not be increased except by the council under section 159;

(iii) every such reduction or transfer shall be brought to the notice of the council at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding Rs. 500, the council may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the standing committee and the commissioner to give effect to the said order.

Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.

162. (1) If it shall at any time during any year appear to the council, upon the representation of the standing committee, that, notwithstanding any reduction of budget grants that may have been made under section 161, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees, it shall be incumbent on the council either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than one lakh of rupees at the close of the year.

(2) Whenever the council determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied, subject to the conditions, limitations and restrictions laid down in chapter V.

PART IV.

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER VII.—WATER-SUPPLY, LIGHTING AND DRAINAGE.

Public Water-supply.

Vesting of works in corporation.

163. All public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits, aqueducts and other works (not vested in the Government) connected with the supply of water to the city whether made at the cost of the corporation or otherwise, and all bridges, buildings, engines, works, materials, and other things connected therewith and all land (not being private property or property vested in the Government) adjacent and appertaining to the same, shall vest in the corporation.

Construction of water-works.

164. The corporation may, with the sanction of the Governor in Council, construct, lay, or erect filtering tanks, reservoirs, engines, conduits, pipes, or other works without the limits of the city for supplying it with water, and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.

Provision of gratuitous supply of drinking water.

165. (1) The corporation shall provide a supply of wholesome drinking water within the city and shall erect sufficient stand-pipes, fountains, or other conveniences for the gratuitous supply of water.

(2) The corporation shall, as far as possible, make adequate provision that such supply is continuous throughout the year.

Trespass on water-supply premises.

166. It shall not be lawful for any person except with permission duly obtained to enter on land vested in the corporation along which a conduit or pipe runs or on any premises connected with the water-supply.

Prohibition of building over water-mains.

167. (1) Without the permission of the commissioner no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water-mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed the commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit and the expenses thereby incurred shall be paid by the persons offending.

Private Water-supply.

Control over house-connexions.

168. All house-connexions, whether within or without the premises to which they belong, with the corporation's water-supply mains shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong, or for the use of which they were constructed, and in conformity with by-laws made in that behalf.

Private water-supply for domestic consumption and use and powers of commissioner to enforce provision of water-supply.

169. (1) The commissioner may on application by the owner or occupier of any building arrange, in accordance with the by-laws, to supply water thereto for domestic consumption and use:

Provided that the commissioner shall not without the sanction of the standing committee agree to supply water to any building assessed at an annual value of less than one hundred and twenty rupees

(2) Whenever it appears to the commissioner that any dwelling-house assessed at an annual value of not less than one hundred and twenty rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the commissioner may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the by-laws:

(3) It shall not be lawful for the owner of any dwelling-house assessed at an annual value of not less than one hundred and twenty rupees which may be constructed or re-constructed after the commencement of this Act, to occupy it or cause or

permit it to be occupied until he has obtained a certificate from the commissioner that there is provided within or within a reasonable distance of the house such a supply of wholesome water as appears to the commissioner to be sufficient for domestic consumption and use of the inmates of the house.

(4) The cost of making the connexion and the cost or hire of meters shall be borne by the applicant and shall be recoverable in the same manner as the water and drainage tax.

(5) For all water supplied under this section, in excess of a maximum determined by regulations of the standing committee, payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the water and drainage tax.

Explanation.—Supply of water for domestic consumption and use shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation,

(*c*) for building purposes,

(*d*) for fountains, swimming baths, public baths, tanks in or near temples, churches and mosques or for any ornamental or mechanical purpose,

(*e*) for animals, or for washing vehicles, where such animals or vehicles are kept for sale or hire,

but shall be deemed to include a supply—

(i) for flushing latrines or drains,

(ii) for all baths other than swimming baths or public baths,

(iii) for the consumption and use of inmates of hotels, boarding houses and residential clubs and for baths used by such inmates.

Private Water-supply for non-domestic purposes.

Commissioner's power to supply water for non-domestic purposes at rates fixed by standing committee.

170. (1) The commissioner may, with the sanction of the standing committee, supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) For all water supplied under sub-section (1) payment shall be made at such rates and such conditions shall be imposed as may be laid down by the standing committee by general or special order.

Supply in special cases.

Supply to local authorities.

171. The corporation shall if required supply Fort St. George and the Port Trust with water and may supply any other local authority whether within or without the city, on such terms as to payment and as to the period and conditions of supply as shall be determined by the council, subject to appeal in respect of such terms to the Governor in Council, whose decision shall be final.

Cutting off Water-supply.

Power to cut off water-supply.

172. (1) The commissioner may cut off the supply of corporation water from any premises—

(*a*) if the premises are unoccupied;

(*b*) if any water-tax or any sum due for water or for the cost of making a connexion or the cost or hire of a meter or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Act is not paid within thirty days after a bill for such tax or sum has been presented;

(*c*) if after receipt of a notice from the commissioner requiring him to refrain from so doing the owner or occupier continues to use the water or to permit it to be used in contravention of any by-law made under this Act;

(*d*) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying corporation water;

(*e*) if the occupier refuses to admit the commissioner into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connexion with the water-supply, or prevents the commissioner doing such work, placing or removing such apparatus or making such examination or inquiry ;

(*f*) if any pipes, taps, works or fittings connected with the corporation water-supply are found on examination by the commissioner to be out of repair to such an extent as to cause waste or contamination of water ;

(*g*) if the owner or occupier causes pipes, taps, works or fittings connected with the corporation water-supply to be placed, removed, repaired or otherwise interfered with in violation of the by-laws.

(2) The expense of cutting off the supply shall be paid by the owner or occupier of the premises.

(3) In cases under clause (*b*) as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the commissioner shall cause water to be supplied as before on payment of the cost (if any) of re-connecting the premises with the corporation water-works.

(4) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Non-liability of corporation when supply reduced or not made in certain cases.

173. The corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Lighting.

Provision for lighting public street, etc.

174. The commissioner shall take measures for lighting in a suitable manner the public streets and public markets and all places of public resort vested in the corporation by electricity, gas, oil, or such other illuminant as the council may determine.

Public Drainage.

Vesting of drains in corporation.

175. All public drains, pipes and drainage works existing at the time of the coming into operation of this Act or afterwards made at the cost of the corporation or otherwise, and all works, materials and things appertaining thereto shall vest in the corporation.

Maintenance of system of drainage by the corporation.

176. The corporation shall, so far as the means at their disposal permit, provide and maintain a sufficient system of public drains throughout the city.

Private Drainage.

Control over house-drains, privies and cess-pools.

177. All house-drains whether within or without the premises to which they belong, and all private latrines, and cess-pools within the city shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed and in conformity with by-laws framed by the council in this behalf.

Connexion of house-drains with public drains.

178. (1) The commissioner shall, on application by the owner or occupier of any premises or the owner of a private street, arrange, in accordance with the by-laws, for the connexion if practicable of the applicant's drain with a public drain at the applicant's expense.

(2) If there is a public drain or other place set apart by the corporation for the discharge of drainage within a distance not exceeding one hundred feet of the nearest point on any premises, the commissioner may by notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place and to execute all such works as may be necessary in accordance with the by-laws at such owner's expense.

(3) If any premises are in the opinion of the commissioner without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or other place set apart by the corporation for the discharge of drainage, the commissioner may by notice direct the owner of the said premises to

construct a closed cess-pool of such material, dimensions and description, in such position and at such level as the commissioner thinks necessary and to construct a drain or drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the by-laws.

(4) It shall not be lawful for the owner of any building constructed or re-constructed after the commencement of this Act to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that the said building is provided with such means of drainage as appear to the commissioner to be sufficient.

Commissioner's power to drain premises in combination.

179. (1) When the commissioner is of opinion that any group or block of premises any part of which is situate within one hundred feet of a public drain, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the commissioner to be best suited therefor and the expenses incurred by the commissioner in so doing shall be paid by the owners in such proportions as the standing committee may think fit.

(2) Not less than fifteen days before any work under this section is commenced, the commissioner shall give written notice to the owners of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

Commissioner's power to close or limit the use of existing private drains.

180. (1) Where a drain connecting any premises with a public drain or other place set apart by the corporation for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the commissioner, adapted to the general drainage system of the city, or of the part of the city in which such drain is situated, the commissioner, with the approval of the standing committee, may—

(*a*) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose ; or

(*b*) direct that such drain shall, from such date as he fixes in this behalf, be used for sewage only, or for water unpolluted with sewage only, and may construct at the cost of the corporation an entirely distinct drain either for water unpolluted with sewage or for sewage.

(2) No drain may be closed, discontinued or destroyed by the commissioner under clause (*a*) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the commissioner and of any work done shall be paid by the corporation.

Building, etc., not to be erected without permission over drains.

181. (1) Without the permission of the commissioner no person shall place or construct any fence, building, culvert, pipe drain, drain-covering or other structure or any street, railway or cable over, under, in or across any public drain or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.

(2) The commissioner may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 387.

Construction of culverts by owner or occupier.

182. (1) The commissioner may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain-coverings over the side channels or ditches at the entrances to the said building or land.

(2) Such culverts or drain-coverings shall be of the form and size and consist of such materials as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier.

Maintenance of troughs and pipes for catching water.

183. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the commissioner, put up, and thenceforward maintain, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging such water in such manner as the commissioner may allow.

Public Latrines.

Provision of public latrines.

184. The corporation shall provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be kept clean and in proper order.

Licensing of public latrines.

185. (1) The commissioner may license for any period not exceeding one year the provision and maintenance of latrines for public use.

(2) No person shall keep a public latrine without a licence under sub-section (1).

(3) Every licensee of a public latrine shall maintain it clean and in proper order.

Private Latrines.

Provision of latrines by owner or occupier.

186. The commissioner may by notice require the owner or occupier of any building within the time specified in such notice to provide a latrine or alter or remove from an unsuitable to a more suitable place any existing latrine in accordance with the directions contained in such notice, for the use of the persons employed in or about or occupying such building, and to keep it clean and in proper order; and every owner or occupier of the ground on which any block of huts stands shall provide such latrines as the commissioner may by notice require and within such time as may be fixed in the notice for the use of the inhabitants of such block of huts.

Provision of latrines and urinals for labourers.

187. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number as the commissioner may by notice require, and within such time as may be fixed in the notice and shall keep the same clean and in proper order.

Provision of latrines and urinals for markets, cart-stands, and cattle-stands.

188. The commissioner may by notice require any owner or manager of a market, cart-stand, cattle-stand, choultry, theatre, railway-station, dock, wharf or other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex latrines of such description and number and in such a position as may be specified and to keep the same clean and in proper order.

Latrines to be screened from view.

189. All latrines shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

General Powers.

Power to carry wire, pipes, drains, etc., through private property subject to causing as little inconvenience as possible and paying for direct damage.

190. The commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the city, and may place and maintain posts, poles, standards, brackets or other contrivances to support cables, pipes, channels, wires and lights on any pole or post in the city not owned by the Government of India and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same:

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the commissioner shall, with the sanction of the standing committee, pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connexion without permission.

191. (1) No person shall, without the permission of the commissioner, make any connexion with any municipal cable, wire, pipe, drain or channel or with the house-connexion of any other person.

(2) The commissioner may by notice require any connexion made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

Power to require railway level, etc., to be raised or lowered.

192. If the corporation conduct any pipe or drain or other work connected with the water-supply or drainage of the city across a line of railway, they may, with the sanction of the Governor in Council and at the cost of the municipal fund, require the railway administration concerned to raise or lower the level thereof.

Powers of corporation in respect of works outside the city.

193. (1) The corporation shall not undertake new works beyond the limits of the city without the sanction of the Governor in Council.

(2) The corporation may, in the execution and for the purpose of any works beyond the limits of the city sanctioned by the Governor in Council whether before or after the passing of this Act, exercise all the powers which they may exercise within the city throughout the line of country through which conduits, channels, pipes, lines of posts and wires and the like run, and over any lake or reservoir from which a supply of water for the use of the city is derived, and over all lands at a distance not exceeding one thousand yards beyond the high-water level of any such lake or reservoir, and over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the city.

CHAPTER VIII.—SCAVENGING.

Provision of places of deposit for rubbish and filth.

194. The commissioner shall provide or appoint, in proper and convenient situations, depôts and places for the temporary deposit or final disposal of rubbish, filth and carcasses of dead animals.

Public notice ordering deposit of rubbish and filth by occupier.

195. (1) The commissioner may with the previous sanction of the standing committee by public notice direct that all rubbish and filth accumulating in any premises in any street or quarter of the city specified in the notice shall be collected by the owner or occupier of such premises, and deposited in a box or basket or other receptacle, of the kind specified in such notice, to be provided by such owner or occupier and kept at or near the premises.

(2) The commissioner may by public notice direct that all rubbish and filth accumulating in any latrine not connected with a drain and in respect of which no contract under section 197 has been entered into, shall be collected by the owner or occupier and deposited in municipal carts.

(3) The commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force,

and may by public notice direct that all rubbish and filth accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the owner or occupier of such premises and deposited in such receptacle.

Removal of rubbish and filth accumulating in large quantities on premises.

196. When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the commissioner, too considerable to be deposited in any of the methods prescribed by a notice issued under section 195, the commissioner may

(*a*) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a depôt or place provided or appointed under section 194; or

(*b*) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (*a*).

Contract with owner or occupier for removal of rubbish and filth.

197. The commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the commissioner, and on payment of fees at such rate as the council may determine.

Provision for daily cleansing of streets and removal of rubbish and filth.

198. The commissioner shall provide—

(*a*) for the daily surface-cleansing of all public streets and the removal of the sweepings therefrom, and

(*b*) for the removal of—

(i) the contents of all receptacles and depôts and the accumulations at all places provided or appointed by him under section 194 for the temporary deposit of any of the things specified therein; and

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 195.

Rights of property of corporation in things deposited in receptacles.

199. All things deposited in depôts or places provided or appointed under section 194 shall be the property of the corporation

Directions as to removal of rubbish and filth.

200. In cases not provided for by any notice issued under section 196, the commissioner shall, with the sanction of the standing committee, lay down—

(*a*) the hours within which rubbish and filth may be removed, and

(*b*) the kind of cart or other receptacle in which rubbish and filth may be removed, and

(*c*) the route by which such carts or other receptacles shall be taken.

Maintenance of establishment for removal of rubbish and filth.

201. The corporation shall maintain an establishment under the control of the commissioner for the removal of rubbish and filth from latrines which are not connected with a public drain.

Prohibition against accumulation of rubbish or filth on premises.

Prohibition against irregular methods of depositing rubbish or filth.

Prohibition against irregular removal of rubbish or filth.

Prohibition against deposit of rubbish or filth in unauthorized place or manner.

Prohibition against keeping rubbish or filth for more than twenty-four hours, or in unauthorized place or manner.

Prohibition against allowing sewage to flow in streets.

202. (1) No person who is bound by any notice issued under section 195 or section 196, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same so to accumulate for more than twenty-four hours.

(2) No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under section 195 or section 196 as the case may be.

(3) No person shall remove rubbish or filth otherwise than to a depôt or place provided or appointed for the purpose under section 194 or otherwise than as laid down under section 196 or section 200.

(4) No person shall throw or place any rubbish or filth, as the case may be,

(*a*) in any place not provided or appointed for the purpose under section 194, or

(*b*) in any way contrary to any direction given under section 195.

(5) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a receptacle approved by the commissioner, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove the rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the commissioner, or fail to comply with any requisition of the commissioner as to the construction, repair, paving or cleansing of any latrine on or belonging to the premises.

(6) No owner or occupier shall allow the water of any sink, drain or latrine or the drainage from any stable or place, or any other filth to run down on, or to, or be put upon, any street, or into any drain in or alongside of any street, except in such manner as shall prevent any avoidable nuisance from any such filth soaking into the walls or ground at the side of the said drain.

Chapter IX.—Streets.

Public Streets.

Vesting of public streets and their appurtenances in corporation.

203. All public streets in the city not reserved under the control of the Government, and the sidedrains, pavements, stones and other materials thereof, and all erections, materials, implements and other things provided for such streets, and all trees, not being private property, growing thereon or by the side thereof, shall vest in the corporation.

Maintenance and repair of streets.

204. The corporation shall cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary or expedient for the public safety or convenience.

Powers of authorities in regard to streets.

205. (1) The commissioner may, subject always to such sanction as may be required under chapter IV,

(*a*) lay out and make new streets;

(*b*) construct bridges and sub-ways;

(*c*) turn, divert, or with the special sanction of the council and the Governor in Council, permanently close any public street or part thereof;

(*d*) widen, open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are acquired for or affected by any such purposes.

Power to dispose of permanently closed streets.

206. (1) When any public street is permanently closed under section 205 the corporation may dispose of the site or so much thereof as is no longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

Acquisition of land and buildings for improvement of streets.

207. (1) The commissioner may, subject always to such sanction as may be required under chapter IV, acquire—

(*a*) any land required for the purpose of widening, opening, extending or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land;

(*b*) any land outside the proposed street alignment, with the buildings, if any, standing thereupon, which the council may consider it expedient to acquire.

(2) Any land or building acquired under sub-section (1), clause (*b*) may be sold, leased or otherwise disposed of after public advertisement, and any conveyance made for that purpose may comprise such conditions as the standing committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The standing committee may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

Power to prescribe building line and street alignment.

208. The standing committee may

(*a*) prescribe for any public street a building line or a street alignment or both a building line and a street alignment;

(*b*) from time to time, but subject in each case to its receiving the authority of the council in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded—

(i) unless, at least one month before the meeting of the council at which the matter is decided, public notice of the proposal has been given by the commissioner by advertisement in the local newspapers and in the *Fort St. George Gazette*, and special notice thereof, signed by the commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be defined; and

(ii) until the council has considered all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

Restrictions on erection of or addition to buildings within street alignment or building line.

209. (1) No person shall construct any portion of any building within a street alignment defined under section 208 provided however that the commissioner may in his discretion permit additions to a building to be made within a street alignment, if such additions merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest

(*a*) not to claim compensation in the event of the commissioner at any time thereafter calling upon him or such successors to remove any building erected or added to in pursuance of such permission or any portion thereof, and

(*b*) to pay the expenses of such removal.

Provided that the commissioner shall, in every case in which he gives permission, report his reasons in writing to the standing committee.

If the commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 208 and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 208 except with the permission of the commissioner, who may when granting permission impose such conditions as the standing committee may lay down for such cases.

Setting back projecting buildings or walls.

210. (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 208, the commissioner may, whenever it is proposed

(*a*) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(*b*) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment;

in any order which he issues concerning the rebuilding, alteration or repair of such building, require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the commissioner or otherwise, taken down, the commissioner may forthwith take possession on behalf of the corporation of the portion of land within the street alignment theretofore occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the commissioner takes possession of any land under sub-section (2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.—The expression 'direct damage' as used in sub-section (4) with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

Setting buildings forward to improve line of street.

211. The commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the standing committee, by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction.

Explanation.—For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the commissioner is erected along the said line.

Projection streets.

212. (1) The standing committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall ordinarily not be less than forty feet, or in any area covered by huts, twenty feet:

(3) When any plan has been prepared under sub-section (1), the provisions of section 210 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

Temporary closure of streets.

213. The commissioner may by an order temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes specified in schedule V:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

Protection of appurtenances and materials of streets.

214. It shall not be lawful for any person, without the permission of the commissioner, to displace, take up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

Private Streets.

Owner's obligation to make a street when disposing of land as building sites.

215. If the owner of any land utilises, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may abut on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

Making of new private streets.

216. (1) Any person intending to lay out or make a new private street must send to the commissioner a written application with plans and sections showing the following particulars, namely—

(*a*) the intended level, direction and width of the street,

(*b*) the street alignment and the building line, and

(*c*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

(2) The provisions of this Act and of any rules or by-laws made under it as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the standing committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the standing committee shall either sanction the making of the street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the standing committee likely to be made, for carrying out any general scheme of street improvement,

(ii) if the proposed street does not conform to the provisions of the Act, rules and by-laws referred to in sub-section (2), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall lay out or make any new private street without or otherwise than in conformity with the orders of the standing committee. If further information is asked for, no steps shall be taken to lay out or make the street until orders have been passed upon receipt of such information.

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the standing committee has received all the information which it considers necessary to enable it to deal finally with the said application.

Alteration or demolition of street made in breach of section 216.

217. (1) If any person lays out or makes any street referred to in section 216, without or otherwise than in conformity with the orders of the standing committee, the commissioner may, whether or not the offender be prosecuted under this Act, by notice—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the commissioner on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the commissioner, or if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before the commissioner either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the commissioner why such street should not be so altered or demolished, the commissioner may pass an order directing the alteration or demolition of such street.

Power of commissioner to order work to be carried out or to carry it out himself in default.

218. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, or lighted to the satisfaction of the commissioner, he may by notice require the owners or occupiers of premises fronting or abutting on such street or part thereof to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respective premises and in such proportion as may be settled by the commissioner.

Right of owners to require streets to be declared public.

219. If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 218, such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street.

Encroachments on Streets.

Prohibition against obstructions in streets.

220. No one shall build any wall or erect any fence or other obstruction, encroachment or projection in or over any street except as hereinafter provided.

Prohibition and regulation of doors, ground-floor windows and bars opening outwards.

221. (1) No door, gate, bar, or ground-floor window shall without a licence from the commissioner be hung or placed so as to open outwards upon any street.

(2) The commissioner may by notice require the owner of such door, gate, bar, or window to alter it so that no part thereof when open shall project over the street.

Removal of encroachments.

222. (1) The commissioner may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar, or ground-floor window) situated against or in front of such premises and in or over any street.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give him a prescriptive title or that it was erected with the consent of any municipal authority duly empowered in that behalf, and that the period, if any, for which the consent is valid has not expired, the corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

Power to allow certain projections and erections.

223. (1) The commissioner may grant a licence subject to such conditions and restrictions as he may think fit—

(*a*) to the owner or occupier of any premises in a street, to put up verandas, balconies, sunshades, weather-frames and the like, to project over the street, or in streets in which the construction of arcades has been sanctioned by the council, to put up an arcade: or to construct any step or drain-covering necessary for access to the premises; or

(*b*) with the concurrence of the commissioner of police, for any temporary construction in a street on occasions of festivals and ceremonies.

Provided that a licence under this section shall in no case be granted if the projection, or erection, as the case may be, is likely to cause public inconvenience.

(2) On expiry of any period for which a licence has been granted under this section, the commissioner may without notice cause any construction put up under clause (*a*) or (*b*) of sub-section (1) to be removed and the cost of so doing shall be recoverable from the person to whom the licence was granted in the manner provided

in section 387. The commissioner may also sell the materials of such construction and shall in that case apply the proceeds in or towards payment of the expenses incurred and pay any surplus accuring from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no demand is made, such surplus shall be forfeited to the corporation.

Precautions during repair of streets.

224. (1) The commissioner shall, so far as is practicable during the construction or repair of any street, drain or premises vested in the corporation,

(*a*) cause the same to be fenced and guarded,

(*b*) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(*c*) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The commissioner shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The commissioner shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street or premises.

Prohibition against removal of bars and lights.

225. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under section 224.

Making holes and causing obstruction.

226. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the commissioner and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

(3) If any obstruction is caused in any street by the fall of structures, trees, or fences, the owner or occupier of the premises concerned shall within twelve hours of the occurrence of such fall, or within such further period as the commissioner may by notice allow, clear the street of such obstruction.

Licence for work on buildings likely to cause obstruction.

227. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the commissioner in that behalf and shall also—

(*a*) cause the said building to be fenced and guarded,

(*b*) sufficiently light it during the night, and

(*c*) take proper precautions against accidents

during such time as the public safety or convenience requires.

Naming Streets and Numbering Buildings.

Naming of public streets.

228. (1) The council shall give names to new public streets and may alter the name of any public street.

(2) The commissioner shall cause to be put up or painted in English and in at least one vernacular language on a conspicuous part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name by which it is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name or put up any name different from that put up by order of the commissioner.

Numbering of buildings.

229. (1) The commissioner may cause a number to be affixed to the side or outer door of any building, or to some place at the entrance of the enclosure thereof.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the commissioner may by notice require him to replace it.

Chapter X.—Building Regulations.

General Powers.

Building rules.

230. (1) The Governor in Council may make rules—

(*a*) for the regulation or restriction of the use of sites for building, and

(*b*) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by sub-section (1), clause (*a*), rules made under that clause may provide—

(*a*) that no insanitary or dangerous site shall be used for building, and

(*b*) that no site shall be used for the construction of a building intended for public worship if the construction of the building thereon will wound the religious feelings of any class of persons.

(3) Without prejudice to the generality of the power conferred by sub-section (1), clause (*b*), rules made under that clause may provide for the following matters :—

(*a*) information and plans to be submitted together with applications for permission to build ;

(*b*) height of buildings, whether absolute or relative to the width of streets ;

(*c*) level and width of foundation, level of lowest floor and stability of structure ;

(*d*) number and height of stories composing a building and height of rooms ;

(*e*) provision of sufficient open space, external or internal, and adequate means of ventilation ;

(*f*) provision of means of egress in case of fire ;

(*g*) provision of secondary means of access for the removal of house refuse ;

(*h*) materials and methods of construction of external and party walls, roofs and floors ;

(*i*) position, materials and methods of construction of hearths, smoke-escapes, chimneys, staircases, latrines, drains, cess-pools ;

(*j*) paving of yards ;

(*k*) restrictions on the use of inflammable materials in building ; and

(*l*) in the case of wells, the dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

(4) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this Act and of any rules or by-laws made thereunder relating to the use of building-sites or the construction or re-construction of buildings.

Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities.

231. (1) The council may give public notice of their intention to declare—

(*a*) that, in any streets or portions of streets specified in the notice,

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or re-constructed shall, in respect of their architectural features, be such as the standing committee may consider suitable to the locality, or

(*b*) that in any localities specified in the notice, the construction of only detached buildings will be allowed, or

(*c*) that in any streets, portions of streets or localities specified in the notice, the construction of shops, warehouses, factories, huts, or buildings of a specified architectural character or buildings destined for particular uses will not be allowed without the special permission of the standing committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The standing committee shall consider all objections received within the said period and may then confirm the declaration, and, before doing so, may modify it, but not so as to extend its effect.

(4) The commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or re-construct any building in contravention of any such declaration.

Buildings at corner of streets.

232. (1) The council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired the corporation shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Prohibition against use of inflammable materials for buildings without permission.

233. No external roof, veranda, pandal or wall of a building shall be constructed or re-constructed of grass, leaves, mats, or other inflammable materials except with the permission of the commissioner.

Buildings other than huts.

Application to construct or re-construct building.

234. (1) If any person intends to construct or re-construct a building, he shall send to the commissioner—

(*a*) an application in writing for approval of the site, together with a site-plan of the land, and

(*b*) an application in writing for permission to execute the work together with a ground plan, elevations and sections of the building and a specification of the work.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or by-laws.

Necessity for prior approval of the site.

235. The commissioner shall not grant permission to construct or re-construct a building unless and until he has approved of the site on an application made under section 234.

Prohibition against commencement of work without permission.

236. The construction or re-construction of a building shall not be begun unless and until the commissioner has granted permission for the execution of the work.

Period within which commissioner is to signify approval or disapproval.

237. Within thirty days after the receipt of any application made under section 234 for approval of a site, or of any information or further information required under rules or by-laws the commissioner shall, by written order, either approve the site or refuse on one or more of the grounds mentioned in section 240 to approve the site.

Period within which commissioner is to grant or refuse to grant permission to execute work.

238. Within thirty days after the receipt of any application made under section 234 for permission to execute any work or of any information or of documents or further information or documents required under rules or by-laws the commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 240 or section 241 to grant it :

Provided that the said period of thirty days shall not begin to run until the site has been approved under section 237.

Reference to standing committee if commissioner delays grant or refusal of approval or permission.

239. (1) If, within the period laid down in section 237 or section 238, as the case may be, the commissioner has neither given nor refused his approval of a building-site, or his permission to execute any work, as the case may be, the standing committee shall be bound, on the written request of the applicant, to determine by written order, whether such approval or permission should be given or not.

(2) If the standing committee do not, within fifteen days from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given ; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

Grounds on which approval of site for, or licence to construct or re-construct, building be refused.

240. The only grounds on which approval of a site for the construction or re-construction of a building or permission to construct or re-construct a building may be refused, are the following, namely—

(1) that the work or the use of the site for the work or any of the particulars comprised in the site-plan, ground-plan, elevations, sections, or specification would contravene some specified provision of any law or some specified order, rule, declaration or by-law made under any law ;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or by-laws ;

(3) that any of the documents referred to in section 234 have not been signed as required under rules or by-laws;

(4) that any information or documents required by the commissioner under the rules or by-laws has or have not been duly furnished;

(5) that streets or roads have not been made as required by section 215.

Whenever the commissioner or the standing committee refuses to approve a site for a building, or to grant permission to construct or re-construct a building, the reasons for such refusal shall be specifically stated in the order.

Special powers for suspending permission to construct buildings.

241. Notwithstanding anything contained in section 240 if any street shown in the site-plan is an intended private street, the commissioner may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed.

Lapse of permission if not acted upon within one year.

242. If the construction or re-construction of a building is not commenced within one year after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

Inspection by commissioner.

243. The commissioner may inspect any building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section 107.

Power of commissioner to require alteration of work.

244. (1) If the commissioner finds that the work—

(*a*) is otherwise than in accordance with the plans or specifications which have been approved, or

(*b*) contravenes any of the provisions of this Act or any rule, by-law, order or declaration made under this Act,

he may by notice require the owner of the building within a period stated either—

(i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans, specifications or provisions, or

(ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid the commissioner shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modifications as he may think fit.

Stoppage of work endangering human life.

245. Notwithstanding anything contained in any of the preceding sections, the commissioner may at any time stop the construction or re-construction of any building if in his opinion the work in progress endangers human life.

Above provisions not applicable to huts.

246. In sections 234 to 245 the word 'building' does not include a hut.

Wells.

Application of certain sections to wells.

247. The provisions of sections 234, 235, 236, 242, 243, 244 and 245 shall, so far as may be, apply to wells.

Huts.

Application to construct or re-construct huts.

248. (1) Every person who intends to construct or re-construct a hut shall send to the commissioner—

(*a*) an application in writing for permission to execute the work, and

(*b*) a site-plan of the land.

(2) Every such application and plan shall contain the particulars and be prepared in the manner required under rules or by-laws.

Prohibition against commencement of work without permission.

249. The construction or re-construction of a hut shall not be commenced unless and until the commissioner has granted permission for the execution of the work on an application sent to him under section 248.

Period within which commissioner is to grant or refuse to grant permission to execute the work.

250. Within fourteen days after the receipt of any application made under section 248 for permission to construct or re-construct a hut, or of any information or plan or further information or fresh plan required under rules or by-laws, the commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 252 to grant it.

Reference to standing committee if commissioner delays grant or refusal of permission.

251. (1) If within the period laid down in section 250, the commissioner has neither granted nor refused to grant permission to construct or re-construct a hut, the standing committee shall be bound on the written request of the applicant, to determine by written order whether such permission should be granted or not.

(2) If the standing committee does not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

Grounds on which permission to construct or re-construct hut may be refused.

252. The only grounds on which permission to construct or re-construct a hut may be refused are the following, namely:—

(1) that the work or the use of the site for the work would contravene some specified provision of any law or some specified rule, by-law, order or declaration made under any law;

(2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;

(3) that any information or plan required by the commissioner under rules or by-laws has not been duly furnished;

(4) that streets or roads have not been made as required by section 215.

Whenever the commissioner or standing committee refuses to grant permission to construct or re-construct a hut, the reasons for such refusal shall be specifically stated in the order.

Lapse of permission if not acted upon within six months.

253. If the construction or re-construction of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

External walls, alterations and additions.

Maintenance of external walls in repair.

254. The owner or occupier of any building adjoining a public street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the commissioner.

Application of provisions to alterations and additions.

255. (1) The provisions of this chapter and of any rules or by-laws made under this Act relating to construction and re-construction of buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that works of necessary repair which do not affect the position or dimensions of a building or any room therein shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room such question shall be referred to the standing committee, whose decision shall be final.

Powers of commissioner.

Demolition or alteration of building or well-work unlawfully commenced, carried on or completed.

256. (1) If the commissioner is satisfied—

(i) that the construction or re-construction of any building or well—

(*a*) has been commenced without obtaining the permission of the commissioner or (where an appeal or reference has been made to the standing committee) in contravention of any order passed by the standing committee, or

(*b*) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(*c*) is being carried on or has been completed in breach of any of the provisions of this Act or of any rule or by-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

(ii) that any alterations required by any notice issued under section 244 have not been duly made, or .

(iii) that any alteration of or addition to any building or any other work made or done for any purpose in, to, or upon any building, has been commenced or is being carried on or has been completed in breach of section 255,

he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the commissioner, has been unlawfully executed, or to make such alterations as may, in the opinion of the commissioner, be necessary to bring the work into conformity with the Act, rules, by-laws, direction or requisition as aforesaid, or with the plans or particulars on which such permission or order was based, and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The commissioner shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the commissioner, the commissioner may confirm the order, with any modification he may think fit to make.

Exemptions.

Exemptions.

257. Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, meter-house, summer-house (not being a dwelling-house), poultry-house or aviary, shall be exempted from the provisions of this chapter other than section 233, provided the building be wholly detached from, and situated at a distance of at least ten feet from the nearest adjacent building.

Chapter XI.—Nuisances.

Dangerous Buildings, Trees and Places.

Precautions in case of dangerous buildings.

258. (1) If any building be deemed by the commissioner to be in a ruinous state or dangerous to passers-by or to the occupiers of neighbouring structures the commissioner may by notice require the owner or occupier to fence off, take down, secure or repair such building so as to prevent any danger therefrom.

(2) If immediate action is necessary the commissioner may himself before giving such notice or before the period of notice expires fence off, take down, secure or repair such building or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 387.

(3) If in the commissioner's opinion the said building is imminently dangerous to the inmates thereof, the commissioner shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

Precautions in case of dangerous trees.

259. (1) If any tree or any branch of a tree or the fruit of any tree be deemed by the commissioner to be likely to fall and thereby to endanger any person using a public or private street the commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary the commissioner may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 387.

Precautions in case of dangerous tanks, wells, holes, etc.

260. (1) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the commissioner to be for want of sufficient repair, protection or enclosure dangerous to the passers-by, or to persons living in the neighbourhood, the commissioner may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary the commissioner may himself before giving such notice or before the period of notice expires take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 387.

Precautions against fire.

261. (1) The commissioner may by notice require the owner of any building, booth or tent partly or entirely composed of, or having any external roof, veranda, pandal or wall partly or entirely composed of, cloth, grass, leaves, mats or other inflammable materials to remove or alter such building, booth, tent, roof, veranda, pandal or wall, or may grant him permission to retain the same on such conditions as the commissioner may think necessary to prevent danger from fire.

(2) The commissioner may by notice require any person using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the sanction of the standing committee, by notice require the owner or occupier of the building to alter or re-construct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any building, booth or tent is used for purposes of public entertainment he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits, and that the gangways, passages and staircases leading to the exits shall during the presence of the public be kept clear of obstructions.

Control over waters, etc.

Prohibition of construction of wells, tanks, etc., without the commissioner's permission.

262. (1) No new well, tank, pond, cistern, fountain, or the like shall be dug or constructed without the permission of the commissioner.

(2) The commissioner may grant permission, with or without conditions, or may refuse it.

(3) If any such work is begun or completed without such permission, the commissioner may either—

(*a*) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the commissioner shall direct or

(*b*) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

Power to stop dangerous quarrying.

263. If in the opinion of the commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the commissioner may, with the approval of the standing committee, by notice, require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Power to order filling in of pools, etc., which are a nuisance and regulation of agriculture within city.

264. (1) If in the opinion of the commissioner

(*a*) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cesspool, pit, watercourse, or any collection of water, or

(*b*) any land on which water may at any time accumulate

is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance, the commissioner may by notice require the owner or person having control thereof to fill up, cover over, weed, stock with larvicidal fish, treat with kerosene oil, drain or drain off the same in such manner and with such materials as the commissioner shall direct, or to take such order with the same for removing or abating the nuisance as the commissioner shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over, or drain off a well, delivers to the commissioner, within the time fixed for compliance therewith, written objections to such requisition, the commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 391 for failure to comply with such requisition except with the approval of the standing committee, but the commissioner may, nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 380

and pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes and in every such case the commissioner shall determine with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by the owner or by the commissioner out of the municipal fund or shall be shared and, if so, in what proportions.

(3) On the report of the health officer, that the cultivation of any specified crop, or the use of any specified manure, or the irrigation of land in any place within the limits of the city is injurious to the public health, the council may, with the previous sanction of the Governor in Council, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation, or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by such prohibition.

Power to order cleansing of insanitary private tank or well used for drinking.

265. (1) If any private tank, well or other place, the water of which is used for drinking, is not maintained in a sanitary condition, the commissioner may by notice require the owner or person having control thereof to cleanse the same in such manner as the commissioner may direct and may also require the said owner or person to protect the same from pollution in such manner as may be provided in the notice.

(2) If the water of any private tank, well, or other place which is used for drinking, is proved to the satisfaction of the commissioner to be unfit for that purpose, the commissioner may by notice require the owner or person having control thereof to—

(*a*) refrain from using or permitting the use of such water, or

(*b*) close or fill up such place or enclose it with a substantial wall or fence.

Duty of commissioner in respect of public well or receptacle of stagnant water.

266. If it appears to the commissioner that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained, or filled up.

Prohibition against or regulation of washing animals or clothes or fishing in river or estuary.

267. The commissioner may regulate or prohibit the washing of animals, clothes or other things or fishing in any river or estuary within the city in the interests of the public health.

Prohibition against contaminating water-supply.

268. It shall not be lawful for any person to—

(*a*) bathe in any tank, reservoir, conduit, fountain, well or other place set apart by the corporation, or by the owner thereof, for drinking purposes;

(*b*) wash or cause any animal or thing to be washed in any such place;

(*c*) throw, put or cause to enter into the water in any such place, any animal, or thing whereby the water may be fouled or corrupted or

(*d*) cause or suffer to drain into or upon any such place, or cause or suffer anything to be brought thereinto or do anything, whereby the water may be fouled or corrupted.

Control over abandoned lands, untrimmed hedges, etc.

Untenanted buildings or lands.

269. If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or in the opinion of the commissioner becomes a nuisance, the commissioner may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

Removal of filth or noxious vegetation.

270. The commissioner may by notice require the owner or occupier of any building or land which is in a filthy or unwholesome state, or overgrown with prickly-pear or other noxious vegetation to cleanse, clear or otherwise put the same in proper state within twenty-four hours or such longer period and in such manner as may be specified in the notice.

Fencing of buildings or lands and pruning of hedges and trees.

271. The commissioner may by notice require the owner or occupier of any building or land near a public street to—

(*a*) fence the same to the satisfaction of the commissioner; or

(*b*) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the commissioner may determine; or

(*c*) cut and trim any hedges or trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or

(*d*) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

Control over Insanitary Buildings.

Lime-washing and cleansing of buildings.

272. The commissioner if it appears to him necessary for sanitary purposes so to do may by notice require the owner or occupier of any building to lime-wash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

Further powers with reference to insanitary buildings.

273. (1) Whenever the commissioner considers—

(*a*) that any building or portion thereof is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(*b*) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may by notice require the owners or occupiers of such buildings or portions of buildings or at his option, the owners of the land occupied by such buildings, or portions of buildings, to execute such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which cases the corporation shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in proportion to the increased value acquired by their own property.

(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made, in determining the compensation, for the benefit accruing to the premises from the improvement thereof.

Buildings unfit for human habitation.

274. (1) If any building, or portion thereof, intended for or used as a dwelling-place appears to the commissioner to be unfit for human habitation, he may apply to the standing committee to prohibit the further use of such building for such purpose; and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the commissioner shall communicate the purport thereof to the owner and occupiers of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the standing committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months the commissioner shall report the case to the standing committee which shall thereupon consider whether the building should not be demolished. The standing committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the standing committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood it shall record a decision to that effect, with the grounds of the decision, and the commissioner shall in pursuance of the said decision by notice require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the commissioner considers that it can be so made fit, the commissioner may postpone the execution of the decision of the standing committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

Abatement of overcrowding in dwelling-house or dwelling-place.

275. (1) If it appears to the commissioner that any dwelling-house or other building which is used as a dwelling-place, or any room in any such dwelling-house or building, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate to abate such overcrowding; and the magistrate after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The standing committee may declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of a building or room, to vacate on being required by the owner so to do in obedience to any requisition made under sub-section (1).

General.

Power of commissioner to use or sell materials of dangerous building taken down, etc.

276. (1) When the commissioner takes down any building or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter or under section 380, the commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the corporation.

(2) If after reasonable inquiry it appears to the commissioner that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land), or any portion thereof.

Limitation of compensation.

277. No person shall be entitled save as provided in sections 264 and 273 to compensation for any damages sustained by reason of any action taken by a municipal authority in pursuance of its powers under this chapter.

CHAPTER XII.—LICENCES AND FEES.

General Provision as to Licences.

Exemption of Government from taking out licences.

278. Nothing in this chapter shall be construed as requiring the Governor-General in Council or the Governor in Council to take out a licence in respect of any place in the occupation or under the control of the Government or in respect of any property belonging to the Government.

Lodging Houses.

Prohibition in respect of lodging houses.

279. No person shall without or otherwise than in conformity with a licence from the commissioner keep or use a place as a lodging house in any part of the city.

Keeping of Animals.

Prohibitions in respect of keeping and feeding animals.

280. No person shall—

(*a*) without the permission of the commissioner, or otherwise than in conformity with the terms of such permission, keep pigs in any part of the city;

(*b*) keep any animal on his premises so as to be a nuisance or so as to be dangerous; or

(*c*) feed or permit to be fed on filth any animal, which is kept for dairy purposes or may be used for food.

Destruction of stray pigs and dogs.

281. If any dogs not taxed under section 116 or pigs are found straying, the same may be summarily destroyed by any person authorized in that behalf in writing by the commissioner.

Licences for places in which animals are kept.

282. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard or other place in which quadrupeds are kept or taken in for purposes of profit, shall, in the first month of every year, or, in the case of a place to be newly opened, within one month before the opening of such place, apply to the commissioner for a licence.

(2) The commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3) No person shall, without or otherwise than in conformity with a licence, use any place for any such purpose.

General powers of control over stables, cattle-sheds and cow-houses.

283. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the commissioner as regards their site, construction, materials and dimensions.

(2) The commissioner may by notice require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned, or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner or person having control of the stable, cattle-shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

Power to direct discontinuance of use of building as a stable, cattle-shed or cow-house.

284. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the commissioner may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Provision of public cattle stands and sheds.

285. (1) The commissioner may construct or provide and maintain public cart-stands, cattle-sheds and cow-houses and may require the payment of such rents and fees, if any, for the use of the same as the standing committee may determine.

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

Removal of carcasses of dead animals.

286. (1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either—

(*a*) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the commissioner in that behalf, or

(*b*) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal, of such amount as shall be fixed by the commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge the animal died.

Industries and Factories.

Purposes for which places may not be used without licence.

287. (1) The owner or occupier of every place used for any purpose specified in Schedule VI shall in the first month of every year or, in the case of a place to be newly opened, before it is opened, apply to the commissioner for a licence for the use of such place for such purpose.

(2) The commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3) No person shall, without or otherwise than in conformity with such a licence, use any place for such purpose.

Prohibition against erection without permission of machinery which may cause nuisance.

288. (1) No person shall, without the permission of the commissioner, erect anywhere any steam-boiler or machinery by the use of which smoke, smell, noise, vibration, dust or floating particles of combustible or other matter are produced or danger is likely to arise to the inhabitants of the neighbourhood.

(2) The commissioner may refuse to give such permission if he is of opinion that such boiler or machinery in the proposed position is objectionable by reason of the density of the population in the neighbourhood or will be a nuisance to the inhabitants of the neighbourhood, or may grant such permission under such restrictions and regulations as he thinks fit.

(3) All chimneys in connexion with any steam-boiler or machinery erected within the city shall be of such height and dimensions as the commissioner may determine.

Power to prohibit working of factory by night and using of rice-husk, etc., for fuel.

289. The commissioner may at any time by general or special order prohibit—

(*a*) the working between the hours of 9-30 p.m. and 5-30 a.m. of any machinery making a noise or causing vibration, if he is of opinion that such noise or vibration will disturb the sleep of the inhabitants of the neighbourhood; or

(*b*) the use of rice-husk or similar products as fuel in any furnace worked for any industrial purpose, if he is of opinion that a public nuisance is likely to be caused by such use;

(*c*) the use or employment in any factory or other place of any steam whistle, steam-trumpet or buzzer.

Depots for Combustibles.

Licence for depots for combustibles.

290. (1) The owner or occupier of any place for the sale or storage for other than domestic use of timber, firewood, charcoal, straw, coal, or any other combustible thing, shall in the first month of every year or, in the case of a place to be newly opened, within one month before the opening thereof, apply to the commissioner for a licence.

(2) Every application for such licence shall contain a statement showing the boundaries and measurements of such place.

(3) The commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(4) No person shall, without or otherwise than in conformity with a licence, use any place for any such purpose.

Washing and Bathing.

Provision of places for bathing and for washing animals.

291. The council shall set apart places for use by the public for bathing purposes and for washing animals.

Provision of public wash-houses.

292. (1) The commissioner may construct or provide and maintain public wash-houses or places for the washing of clothes, and may require the payment of such rents and fees for the use of any such wash-house or place as the standing committee may determine.

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the commissioner may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

Prohibition against washing by washermen at unauthorised places.

293. (1) The commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within three miles of the boundary thereof, except at—

(*a*) public wash-houses or places maintained or provided under section 292; or

(*b*) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within or without municipal limits other than a public wash-house or a place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or to be brought within the city.

Slaughter-houses.

Provision of municipal slaughter-houses.

294. (1) The council shall provide a sufficient number of places for use as municipal slaughter-houses and the commissioner, with the approval of the standing committee, may charge such rents and fees for their use as he may think fit.

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) Municipal slaughter-houses may be situated within or, with the sanction of the Governor in Council, without the city.

Licence for slaughter-houses.

295. (1) The owner of any place in the city which is used as a slaughter-house for the slaughtering of an animal or for the skinning or cutting up of any carcass or of any place within three miles of the municipal limits which is used as a slaughter-house for the slaughtering of animals intended for food to be consumed within the city shall in the first month of every year or, in the case of a place to be newly opened, within one month before the opening thereof, apply to the commissioner for a licence.

(2) The commissioner may by an order, and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

Slaughter of animals during festivals and ceremonies.

296. The commissioner may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

Slaughter of animals for sale or food.

297. No person shall slaughter within the city any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without or otherwise than in conformity with a licence from the commissioner or dry or permit to be dried any skin in such a manner as to cause a nuisance.

Slaughter of animals for religious ceremony.

298. The commissioner may authorize any person to slaughter without licence and without the payment of any fee any animal for the purpose of a religious ceremony.

The Milk Trade.

Regulation of milk trade.

299. (1) No person shall without or otherwise than in conformity with a licence from the commissioner—

(*a*) carry on within the city the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce;

(*b*) use any place in the city for the sale of milk or dairy produce.

(2) Such licence may be refused or may be granted either unconditionally or upon conditions laid down by the commissioner.

Markets, Butchers' Shops, etc.

Public markets.

300. All markets which are constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets.

Powers of municipal authorities in respect of public markets.

301. (1) The council may provide places for use as public markets.

(2) The commissioner, with the approval of the standing committee, may charge such rents and fees as he may think fit for the use of such markets, or the right to expose goods for sale therein and for the use of any shop, stall, pen, or stand therein and may, subject to the same approval, let on lease, or farm the stallages, rent and fees leviable therein as aforesaid, or any other portion thereof, for any period not exceeding one year at a time.

Commissioner's control over public markets.

302. (1) No person shall, without or otherwise than in conformity with a licence from the commissioner, sell or expose for sale any animal or article within any public market.

(2) The commissioner may expel from any public market any person who or whose servant has been convicted of disobeying any regulation made under section 308 or any by-law made under section 349 at the time in force in such market and may prevent such person from carrying on by himself or his agent any trade or business in such market or occupying any shop, stall, or other place therein, and may determine any lease or tenure which such person may possess in any such shop, stall or place.

Establishment of private markets.

303. (1) The council shall determine whether the establishment of new private markets for the sale of or for the purpose of exposing for sale animals intended for human food or any article of human food shall be permitted in the city or any specified part of the city.

(2) No person shall establish any such new private market except with the sanction of the standing committee, which shall be guided in giving or refusing sanction by the resolutions of the council passed under sub-section (1).

Licensing of private markets.

304. (1) No person shall without or otherwise than in conformity with an annual licence granted by the commissioner in this behalf continue to keep open a private market. Application for the renewal of the licence shall be made in the first month of every year.

(2) The commissioner may by an order, subject to such restrictions and regulations as he thinks fit,—

(*a*) grant or refuse to grant or renew such licence, or

(*b*) withhold the licence until the owner or occupier executes such works as may be specified in the order:

Provided that the commissioner shall not refuse or withhold such licence for any cause other than the failure of the owner or occupier thereof to comply with some provision of this Act or some regulation made under section 308 or some by-law made under section 349, or without the approval of the standing committee.

(3) The commissioner shall cause a notice that the market has been so licensed to be affixed in English and in two vernacular languages in some conspicuous place at or near the entrance to every such market.

(4) The commissioner, if a licence has been refused or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and two vernacular languages to some conspicuous place at or near the entrance to the premises.

Sale in unlicensed private market.

305. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

Powers of commissioner in respect of private markets.

306. The commissioner may by notice require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to—

(*a*) construct approaches, entrances, passages, gates, drains and cesspits for such market and provide it with latrines;

(*b*) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the commissioner secure imperviousness and ready cleansing;

(*c*) ventilate it properly and provide it with a supply of water;

(*d*) provide passages of sufficient width between the stalls; and

(*e*) keep it in a cleanly and proper state and remove all filth and rubbish therefrom.

Suspension or refusal of licence in default.

307. (1) If any person, after notice given to him in that behalf by the commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 306 the commissioner may, with the sanction of the standing committee, suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

Power of commissioner to make regulations for markets, bazaars, slaughter-houses, and places set apart for sacrifice of animals.

308. The commissioner may, with the approval of the standing committee, make regulations, not inconsistent with any provision of this Act or of any by-law made under section 349,

(*a*) for preventing nuisances or obstruction in any market-building, market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(*b*) fixing the days and the hours on and during which any market, bazaar or slaughter-house may be held or kept open for use;

(*c*) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section 296 in a cleanly and proper state, and for removing filth and rubbish therefrom;

(*d*) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water;

(*e*) requiring that, in market-buildings, market-places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public; and

(*f*) requiring that in market-buildings, market-places and bazaars separate areas be set apart for different classes of articles.

Butcher's, fishmonger's and poulterer's licence.

309. No person shall, without, or otherwise than in conformity with a licence from the commissioner carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of flesh or fish intended for human food:

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in airtight and hermetically sealed receptacles.

Power to prohibit or regulate sale of articles in public streets.

310. The commissioner may, with the sanction of the standing committee, prohibit by public notice or licence or regulate the sale or exposure for sale, of any articles in or on any public street or part thereof.

Inspection of places for sale, etc.

Duty of commissioner to inspect.

311. It shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil, and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

Powers of commissioner for purposes of inspection.

312. (1) The commissioner or any person authorized by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the commissioner or any person so authorized by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale, or sold without, or otherwise than in conformity with a licence he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of law, by-laws or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against the commissioner or any person acting under his authority or the corporation for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting any entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

Preventing inspection by commissioner.

313. No person shall in any manner whatsoever obstruct the commissioner or person duly authorized by him in the exercise of his powers under the last preceding section.

Power of commissioner to seize diseased animal, noxious food, etc.

314. If any animal, poultry or fish intended for food appears to the commissioner or to a person duly authorized by him, to be diseased, or any food appears to him to be noxious, or if any vessel or utensil used in manufacturing, preparing or containing any article of food appears to be of such kind or in such state as to render the article noxious, he may seize or carry away or secure any such thing.

Explanation.—Meat subjected to the process of blowing shall be deemed to be noxious.

Removing or interfering with articles seized.

315. No person shall remove or in any way interfere with anything secured under the last preceding section.

Power to destroy article seized.

316. (1) When any animal, poultry, fish or other article of food is seized under section 314, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food or exposed for sale, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying any thing under sub-section (1), shall be paid by the owner or person in whose possession such thing was at the time of its seizure.

Production of articles, etc., seized before magistrate and powers of magistrate to deal with them.

317. (1) Articles of food, animals, poultry, fish, utensils, or vessels, seized under section 314 and not destroyed under section 316 shall as soon as possible be produced before a magistrate.

(2) Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry or fish is diseased, or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 314 he may order the same,

(*a*) to be forfeited to the corporation,

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

Disposal of the dead.

Registration or closing of ownerless places for disposal of dead.

318. If it appears to the commissioner that there is no owner or person having the control of any place used for burying, burning, or otherwise disposing of the dead, he shall assume such control and register such place, or may, with the sanction of the council, close it.

Licensing of places for disposal of dead.

319. (1) No new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used unless a licence has been obtained from the commissioner on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered, showing the locality, boundaries and extent thereof, the name of the owner or person or community interested therein, the system of management, and such further particulars as the commissioner may require.

(3) The commissioner may, with the sanction of the council,

(*a*) grant or refuse a licence, or

(*b*) postpone the grant of a licence until his objections to the site have been removed or any particulars called for by him have been furnished.

Provision of burial and burning grounds and crematoria within or without the city by the corporation.

320. (1) The council may, and shall if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria, either within or without the limits of the city, and may charge rents and fees for the use thereof.

(2) If the corporation provide any such place without the limits of the city, all the provisions of this Act and all by-laws framed under this Act for the management of such places within the city shall apply to such place and all offences against such provisions or by-laws shall be cognizable by the presidency magistrates as if such place were within municipal limits.

Register of registered, licensed and provided places and prohibition of use of other places.

321. (1) A book shall be kept at the municipal office in which the places registered, licensed or provided under section 318, section 319 or section 320, and all such places registered, licensed, or provided before the commencement of this Act, shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and in at least one vernacular language to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) The commissioner shall annually publish a list of all places registered, licensed, or provided as aforesaid or provided by the Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

Report of burials and burnings.

322. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to the officer, if any, appointed by the commissioner in that behalf.

Prohibition against making of vault or grave in place of worship.

323. No person shall make a vault or grave, or cause any corpse to be buried within the walls of or underneath any place of public worship:

Provided that in the case of an existing vault, the commissioner may, subject to the general or special orders of the Governor in Council, authorize the burial in such vault of near relatives of the family to whom it belongs.

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

324. (1) If the commissioner is of opinion—

(*a*) that any registered or licensed place for the disposal of the dead is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or

(*b*) that any burial-ground is overcrowded with graves,

and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorized for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

he may, with the consent of the council and the previous sanction of the Governor in Council, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn, or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be published and a translation thereof in at least one vernacular language shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn, or otherwise dispose of a corpse at such place except with the permission of the commissioner.

Prohibition against burial or burning contrary to Act or by-laws.

325. No person shall bury, burn or otherwise dispose of a corpse or part thereof in any place otherwise than in accordance with the provisions of this Act and of any by-laws made under this Act.

Grave-digger's licence.

326. No person shall discharge the office of a grave-digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the commissioner.

Chapter XIII.—Vital Statistics and the Prevention of Disease.

Vital Statistics.

Compulsory registration of vital statistics.

327. (1) The corporation shall register all births and deaths occurring in the city.

(2) Such registration shall be made and enforced in the prescribed manner.

Census.

328. (1) At such time and in such manner as the Governor in Council may direct, an enumeration shall be made of the population of the whole city or of any part thereof.

(2) Such enumerations shall be made and enforced in the prescribed manner.

Dangerous Diseases.

Power to notify "dangerous disease."

329. The Governor in Council may, by notification, declare any epidemic, endemic or infectious disease (not already specified in sub-clause (*a*) of section 3, clause (10)) to be a "dangerous disease" for the purposes of this Act.

Obligation of medical practitioner or owner or occupier to report dangerous disease.

330. (1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the city, he shall inform the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division, with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the commissioner may require.

(3) The commissioner may direct the compulsory notification by the owner or occupier of every house within the municipal limits, during such period and to such officer as the commissioner may prescribe, of all deaths from or occurrences of dangerous disease in his house.

Explanation.—Sub-sections (1) and (2) shall apply to a hakim or a vaidyan.

Power of entry into suspected places.

331. The commissioner may at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease.

Prevention of Infection.

Provision of conveyances for carriage of patients.

332. The commissioner may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease.

Power to order removal of patients to hospital.

333. (1) If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease,

or if, in the case of any other person, it appears to the health officer or assistant health officer that such person is suffering from a dangerous disease, and

(*a*) is without proper lodging or accommodation, or

(*b*) is lodged in a place occupied by more than one family, or

(*c*) is without medical supervision directed to prevent the spread of the disease,

and if such officer in charge, health officer or assistant health officer as the case may be, considers,

that such person should be removed to a hospital or other place at which patients suffering from such disease are received for medical treatment,

he may remove such person or cause him to be removed to the said hospital or place.

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) If any female, who, according to custom, does not appear in public, be removed to any hospital or place under sub-section (1),

(*a*) the removal shall be effected in such a way as to preserve her privacy;

(*b*) special accommodation suited to such custom shall be provided for her in such hospital or place; and

(*c*) a female relative shall be allowed to remain with her.

(3) Whoever obstructs the removal of a person under this section shall be deemed to have committed an offence punishable under section 269 of the Indian Penal Code.

Disinfection of buildings and articles.

334. (1) If the commissioner is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the commissioner 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 commissioner may himself without notice cause such building or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the commissioner shall be recoverable from the said owner or occupier in cases in which such owner or occupier is, in the opinion of the commissioner, not unable by reason of poverty effectually to comply with such requisition.

Destruction of huts and sheds when necessary.

335. (1) If the commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Provision of places for disinfection and power to destroy infected articles.

336. (1) The commissioner may—

(*a*) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection, and

(*b*) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by the standing committee.

(2) The commissioner may notify places at which conveyances, clothing, bedding or other articles which have been exposed to infection shall be washed and no person shall wash any such article at any place not so notified.

(3) The commissioner may direct any clothing, bedding or other articles likely to retain infection to be disinfected or destroyed, and may give compensation for any article destroyed under this sub-section.

Prohibition against transfer of infected articles.

337. No person shall, without previously disinfecting it, give, lend, let, hire, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

Prohibition against diseased person entering public conveyance.

338. (1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may levy in addition to the penalty for the offence provided in this Act such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance; the amount so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed; or if an appeal is presented, before the decision of the appeal.

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

Disinfection of public conveyance after carriage of patients.

339. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried shall forthwith disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorized by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

Letting of infected buildings.

340. (1) No person shall let or sublet or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purposes of sub-section (1), the keeper of a hotel, lodging-house or emigration depot shall be deemed to let the same or part of the same to any person accommodated therein.

Power to order closure of places of public entertainment.

341. In the event of the prevalence of any dangerous disease within the city, the commissioner may, with the sanction of the standing committee, by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

Minor suffering from dangerous disease not to attend school.

342. No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

Provision as to library books.

343. (1) If any person knows that he is suffering from an infectious disease he shall not take any book or use or cause any book to be taken for his use from or in any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned but shall give notice to the commissioner that the book has been so exposed to infection, and the commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The commissioner shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.

Explanation.—For the purposes of this section the commissioner shall from time to time notify what diseases are to be deemed infectious.

Smallpox.

Compulsory vaccination.

344. The corporation shall enforce vaccination throughout the city in the prescribed manner.

Obligation to give information of smallpox.

345. Where an inmate of any dwelling place within the city is suffering from smallpox the head of the family to which the inmate belongs and, in his default, the occupier or person in charge of such place, shall inform the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division, with the least practicable delay.

Prohibition of inoculation for smallpox.

346. (1) Inoculation for smallpox is prohibited.

(2) No person who has undergone the operation of inoculation shall enter the city before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the council may authorize to grant such certificates stating that such person is no longer likely to produce smallpox by contact or near approach.

PART V.

SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XIV.—RULES, BY-LAWS AND REGULATIONS.

Rules and Schedules.

Power of Governor in Council to make rules.

347. (1) The Governor in Council may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing wer such rules may—

(*a*) provide for all matters expressly required or allowed by this Act to be prescribed;

(*b*) provide for all matters relating to elections or appointments of councillors not expressly provided for;

(*c*) prescribe the forms of all registers and returns, the manner in which such registers shall be maintained, the dates on which the returns shall be made and the officers to whom they shall be sent;

(*d*) prescribe the form of warrant under rule 22 and the form of notice of sale under rule 24 of schedule IV.

(3) The Governor in Council may make rules altering, adding to, or cancelling any part of Schedule III, or Schedule VI or parts II to IV of Schedule V.

(4) All references made in this Act to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

(5) In making any rule the Governor in Council may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

Making of rules after previous publication.

348. The power to make rules under section 347 and the power to issue notifications under section 45 are subject to the following conditions:—

(*a*) A draft of the rules or notification shall be published in the *Fort St. George Gazette* and forwarded to the council for its opinion.

(*b*) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Governor in Council may appoint.

(*c*) All rules made under section 347 shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act.

By-laws.

Power of council to make by-laws.

349. The council may make by-laws, not inconsistent with this Act or with any other law to provide—

(1) for the due performance by all municipal officers and servants of the duties assigned to them;

(2) for the regulation of the time and mode of collecting the taxes, duties and tolls under this Act;

(3) (*a*) for the use of public tanks, wells, conduits and other places or works for water-supply;

(*b*) for the regulation of public bathing, washing and the like;

(*c*) for the maintenance and protection of the water-supply system, and the protection of the water-supply from contamination;

(*d*) for the conditions on which house-connexions with the corporation's water-supply mains may be made; for their alteration and repair and for their being kept in proper order;

(*e*) for supply of water for domestic consumption and use;

(*f*) for the prevention of waste of water;

(*g*) for the measurement of water;

(*h*) for the compulsory provision of cisterns and meters;

(*i*) for the supply of water in case of fire;

(4) for the maintenance and protection of the lighting system;

(5) (*a*) for the maintenance and protection of the drainage system;

(*b*) for the construction of house drains, and for regulating their situation, mode of construction and materials;

(*c*) for the alteration and repair of house drains:

(*d*) for the cleansing of house drains;

(*e*) for the construction of closed cess-pools and drains;

(*f*) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;

(6) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;

(7) (*a*) for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of ground or of buildings for the purpose of such testing;

(*b*) for the licensing of plumbers, and fitters, and for the compulsory employment of licensed plumbers and fitters;

(8) (*a*) for the laying out of streets, and for determining the information and plans to be submitted with applications for permission to lay out streets; and for regulating the level and width of public streets and the height of buildings abutting thereon;

(*b*) for the regulation of the use of public streets, and the closing thereof or parts thereof;

(*c*) for the regulation of traffic in public streets, or their reservation for particular kinds of traffic;

(*d*) for the protection of avenues, trees, grass and other appurtenances of public streets and other places;

(9) for the regulation of the use of parks, gardens and other public or municipal places;

(10) (*a*) for the regulation of building;

(*b*) for determining the information and plans to be submitted with applications to build;

(*c*) for the licensing of builders and surveyors and for the compulsory employment of licensed builders and surveyors;

(11) for the regulation of hotels, lodging houses, boarding houses, choultries, rest-houses, emigration depots, restaurants, eating houses, cafes, refreshment rooms, coffee houses, and any premises to which the public are admitted for repose or for the consumption of any food or drink;

(12) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with municipal drains;

(13) for the sanitary control and supervision of places used for any of the purposes specified in schedule VI and of any trade or manufacture carried on therein;

(14) (*a*) for the control and supervision of slaughter-houses and of places used for skinning and cutting up carcasses;

(*b*) for the control and supervision of the methods of slaughtering;

(*c*) for the control and supervision of butchers carrying on business in the city or at any slaughter-house without the city provided or licensed by the corporation;

(15) for the inspection of milch-cattle, and the regulation of the ventilation, lighting, cleaning, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy man or milk-seller;

(16) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product;

(17) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk against infection and contamination;

(18) (*a*) for the inspection of public and private markets and shops and other places therein;

(*b*) for the regulation of their use and the control of their sanitary condition;

(19) for prescribing the method of sale of articles whether by measure, weight, tale or piece;

(20) for prescribing and providing standard weights, scales and measures and preventing the use of any others;

(21) for the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

(22) (*a*) for the regulation of burial and burning grounds and other places for the disposal of corpses;

(*b*) for the levy of fees for the use of such burial and burning grounds, and crematoria as are maintained by the corporation;

(*c*) for the verification of deaths and the causes of death;

(*d*) for the period for which corpses must be kept for inspection;

(*e*) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places;

(23) for the registration of births, deaths and marriages;

(24) for the enumeration of the inhabitants of the city;

(25) for the prevention of dangerous diseases of men or animals;

(26) for the enforcement of compulsory vaccination;

(27) for the prevention of outbreaks of fire;

(28) for the prohibition and regulation of advertisements in public streets or parks;

(29) in general for securing cleanliness, safety and order and the good government and well-being of the city and for carrying out all the purposes of this Act.

Power to give retrospective effect to certain by-laws.

350. By-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connexion with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the passing of the by-laws or of this Act.

Penalty for breaches of by-laws.

351. In making any by-law under sections 349 and 350 the council may provide that a breach thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the commissioner to discontinue such breach.

Confirmation of by-laws by Local Government.

352. No by-law made by the council under this Act shall have any validity unless and until it is sanctioned by the Governor in Council.

Conditions precedent to making of by-laws.

353. The power to make by-laws under this Act is subject to the conditions—

(*a*) that a draft of the by-laws is published in the *Fort St. George Gazette* and in the local newspapers;

(*b*) that the draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof or of such longer period as the council may appoint;

(*c*) that for at least one month during such period a printed copy of the draft shall be kept at the municipal office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; and

(*d*) that printed copies of the draft shall be sold to any person requiring them, on payment of such price, as the commissioner may fix.

Publication of Rules, By-laws and Regulations.

Publication of by-laws or rules.

354. (1) When any rule or by-law has been made under this Act, it shall be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu and Hindustani languages.

(2) The commissioner shall cause all rules and by-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(3) The commissioner shall from time to time advertise in the local newspapers that copies of rules and by-laws are for sale and specify the place where and the person from whom and the price at which they are obtainable.

(4) The commissioner shall publish lists of offences and fines under this Act and the rules and by-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price

Publication of regulations.

355. Regulations made under this Act shall be published in such manner as the council may determine.

Exhibition of by-laws, rules and regulations.

356. (1) Printed copies of by-laws under section 349, clauses (8) (*b*) (*c*) (*d*) and (9) shall be affixed at the entrances to, or elsewhere in the street, park or other place affected thereby in such conspicuous manner as the commissioner may deem best calculated to give information to the persons using such place.

(2) Printed copies of other by-laws and of the rules and regulations shall be hung up in some conspicuous part of the municipal office. The commissioner shall also keep affixed in a like manner in places of public resort, markets, slaughter-houses and other places affected thereby copies of such portions of the rules, by-laws and regulations as may relate to those places.

(3) No municipal officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(4) No person shall, without lawful authority, destroy, pull down, injure, or deface any copies exhibited as above or any board to which the copies have been affixed.

Chapter XV.—Penalties.

General provisions regarding penalties specified in the schedules.

357. (1) Whoever—

(*a*) contravenes any provision of any of the sections or rules of this Act specified in the first column of schedule VII; or

(*b*) contravenes any rule or order made under any of the said sections or rules; or

(*c*) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections, or rules;

shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any provision of any of the sections or rules of this Act specified in the first column of schedule VIII; or

(*b*) contravening any rule or order made under any of the said sections or rules; or

(*c*) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections, or rules;

continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

Explanation.—The entries in the second columns of schedules VII and VIII headed "subject" are not intended as definitions of the offences described in the sections, sub-sections, clauses or rules mentioned in the first column or even as abstracts of those sections, sub-sections, clauses or rules, but are inserted merely as references to the subject of the sections, sub-sections, clauses or rules as the case may be.

Penalty for voting when pecuniarily interested and acting as councillor when disqualified.

358. If a councillor votes in contravention of section 34, or acts as councillor when disqualified under section 53, he shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

Penalty for acquisition by municipal officer of interest in contract or work.

359. If the commissioner or any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employee or servant, any personal share or interest in any contract or employment with, by, or on behalf of the corporation, he shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code: provided that no person shall, by reason of being a share-holder in, or member of, any company, be held to be interested in any contract between such company and the corporation unless he is a director of such company.

Penalty for omission to take out licence for vehicle or animal.

360. (1) Every owner or person in charge of any vehicle or animal liable to tax under section 116 who omits to obtain, within 15 days of the service of a bill on him, a licence under section 121 shall, on conviction, be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 119, fails to pay such sum and the amount due for a licence shall in such case be taken as the amount so compounded for.

Penalty for wilfully preventing distraint.

361. Any person who wilfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall on conviction by a magistrate be liable to a fine not exceeding twice the amount of the tax, found to be due.

Penalty for unlawful building.

362. If the construction or re-construction of any building or well—

(*a*) is commenced without the permission of the commissioner, or

(*b*) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(*c*) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or by-law made under it, or of any direction or requisition lawfully given or made, or

if any alterations or additions required by any notice issued under section 244 or section 255 are not duly made, or

if any person to whom a direction is given by the commissioner to alter or demolish a building or well under section 256 fails to obey such direction,

the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a well or hut to fifty rupees and in the case of any other building to five hundred rupees, and to a further fine which may extend in the case of a well or hut to ten rupees, and in the case of any other building to one hundred rupees, for each day during which the offence is proved to have continued after the first day.

Notice to scavengers before discharge.

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

Penalty for withdrawal of scavengers without notice.

(2) Should any scavenger employed by the corporation, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the corporation, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

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

Wrongful restraint of commissioner and his delegates.

364. Every person who prevents the commissioner, or any person to whom the commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

PART VI.

CHAPTER XVI.—PROCEDURE AND MISCELLANEOUS.

Licences and Permissions.

General provisions regarding licences, registrations and permissions.

365. (1) Every licence or permission granted under this Act or any rule or by-law made under it shall specify the period, if any, for which and the restrictions, limitations and conditions subject to which the same is granted, and shall be signed by the commissioner

(2) For every such licence or permission fees may be charged at such rate as may be sanctioned by the council.

(3) Every order of the commissioner refusing to grant a licence or permission shall state the grounds on which it proceeds.

(4) Subject to the special provisions regarding building in Chapter X and private markets in Chapter XII, and subject to such sanction as may be required for the refusal of a licence or permission, and to such appeal as may be provided in case of refusal, any licence or permission granted under this Act or any rule or by-law made under it may at any time be suspended or revoked by the commissioner, if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, by-law or regulation made under it in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

(5) It shall be the duty of the commissioner to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, by-laws, regulations, any condition of a licence or permission or any lawful direction is being contravened and no claim shall lie against any person for any damage or inconvenience caused by the exercise of powers under this sub-section by the commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked, or when the period for which it was granted or within which application for renewal should be made has expired, whichever expires later, the grantee shall for all purposes of this Act, or any rule or by-law made under it be deemed to be without a licence or permission until the commissioner's order suspending or revoking the licence or permission is cancelled by him, or subject to sub-section (10), until the licence or permission is renewed, as the case may be.

(7) Every grantee of any licence or permission shall, at all reasonable times, while such licence or permission remains in force, produce the same at the request of the commissioner.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or registration required by the provisions of this Act, or by any rule or by-law made under this Act, the magistrate shall in addition to any fine which may be imposed recover summarily and pay over to the corporation the amount of the fee chargeable for the licence or permission or for registration.

(9) Such recovery of the fee under sub-section (8) shall not entitle the person convicted to a licence or permission or to registration as aforesaid.

(10) The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration; but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or

permission or registration had been renewed; and, save as otherwise specially provided in this Act, if orders on an application for a licence or permission or for registration are not communicated to the applicant within forty-five days after the receipt of the application by the commissioner, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the law, rules, by-laws, regulations and all conditions ordinarily imposed.

Appeals.

Appeals from commissioner to standing committee.

366. (1) An appeal shall lie to the standing committee from—

(*a*) any notice issued or other action taken or proposed to be taken by the commissioner—

(i) under sections 178, 186, 187, 188, 190, 244, 256 (3), 258 (1), 259 (1), 264 (1), 265, 266, 273, 282, 283, 284, 288 and 289;

(ii) under any by-law concerning house-drainage or the connexion of house-drains with municipal drains, or house-connexions with municipal water-supply or lighting mains;

(*b*) any refusal by the commissioner to approve a building site under section 237, to grant permission to construct or reconstruct a building under section 238 or 250;

(*c*) any refusal by the commissioner to grant a permission under sections 181, 262 or 288 (2), or

(*d*) any refusal by the commissioner to grant a licence under sections 282, 287, 290, 295, 299 or 304 (2), or

(*e*) any order of the commissioner made under section 365, sub-section (4), suspending or revoking a licence;

(*f*) any other order of the commissioner that may be made appealable by rules under section 347.

(2) The decision of the standing committee on any such appeal shall be final.

Limitation of time for appeal.

367. In any case in which no time is laid down in the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal must be presented within thirty days after the date of the order or proceeding against which the appeal is made.

Commissioner's power to summon.

Summons to attend and give evidence or produce documents.

368. The commissioner may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence, or permission under the provisions of this Act.

Procedure.

Form of notices and permissions.

369. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

Proof of consent of municipal authorities or municipal officer.

370. Whenever under this Act or any rule, by-law or regulation made under it the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(*a*) the council, a standing committee, or the commissioner, or

(*b*) any municipal officer,

a written document signed in case (*a*) by the commissioner, and in case (*b*) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Signature on documents.

371. (1) Every licence, permission, notice, bill, schedule, summons, or other document which is required by this Act or by any rule, by-law or regulation made under it to bear the signature of the commissioner or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the commissioner or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal fund or to any contract.

Publication of notices.

372. Every public notice given under the provisions of this Act or of any rule, by-law, or regulation made under it shall be widely made known in the locality affected thereby—

(*a*) by affixing copies thereof in conspicuous public places within the said locality, or

(*b*) by publishing the same by beat of drum or by advertisement in two or more of the local newspapers, or

(*c*) by any two or more of such means, and in any other way that the commissioner may think fit.

Publication in newspapers.

373. Whenever it is provided by this Act or by any rule, by-law or regulation made under it that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the same, such notice, notification or information shall be inserted in at least one English and one vernacular newspaper published in the city.

Service or sending of Notices, etc.

Method of serving documents.

374. (1) When any notice or other document is required by this Act, or by any rule, by-law, regulation or order made under it, to be served on or sent to any person the service or sending thereof may be effected—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(*c*) if such person does not reside in the city and his address elsewhere is known to the commissioner, by sending the same to him by post registered; or

(*d*) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

Relation of Occupier to Owner.

Recovery by occupier of sum leviable from owner.

375. If any rent, tax or sum leviable under this Act from the owner is recovered from the occupier, such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

Obstruction of owner by occupier.

376. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act, the commissioner may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default.

Execution of work by occupier in default of owner.

377. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, by-law, regulation or order made under it, the occupier of such building or land may, with the approval of the commissioner, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

Commissioner's powers of entry.

Power of entry to inspect, survey or execute the work.

378. The commissioner may enter into or on any building or land with or without assistants or workmen, in order to make any inquiry, inspection, test, examination, survey, measurement or valuation, or for the purpose of placing or removing meters, instruments, pipes or apparatus, or to execute any other work which is authorized by the provisions of this Act or of any rule, by-law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute:

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(*b*) except when it is in this Act otherwise expressly provided, no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twenty-four hours' previous notice of the intention to make such entry;

(*c*) sufficient notice shall be in every case given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved;

(*d*) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

Power of entry on lands adjacent to works.

379. (1) The commissioner may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorized by this Act or by any rule, by-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone, or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.

(2) The commissioner shall, before entering on any land under sub-section (1), give the owner and occupier three days' previous notice of the intention to make such entry, and state the purpose thereof, and shall, if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The commissioner shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be and shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the commissioner, he may appeal to the standing committee, whose decision shall be final.

Commissioner's power to execute in default.

Time for complying with order and power to enforce in default.

380. (1) Whenever by any notice, requisition, or order under this Act or under any rule, by-law or regulation made under it, any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the commissioner may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid.

Recovery of expenses from persons liable and limitation on liability of occupier.

381. (1) The commissioner may recover any expenses incurred under section 380 from the person or any one of the persons to whom the notice, requisition or order was addressed.

(2) Notwithstanding anything contained in sub-section (1), no occupier shall at any time be called upon to pay any greater sum in respect of such expenses than the amount of rent then due by him, but if the rent so due is less than the sum demanded, he shall, thereafter, as each fresh instalment of rent falls due, become liable to pay a sum not exceeding the amount of such instalment until the whole of the expenses are paid.

(3) The burden of proof that the sum demanded of any such occupier is greater than the rent then or thereafter due by him shall be on the said occupier.

(4) The occupier may recover from the owner or deduct from the rent payable by him to the owner so much as is paid by or recovered from him under this section.

(5) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such works as aforesaid.

Power of commissioner to agree to receive payment of expenses in instalments.

382. Instead of recovering any such expenses as aforesaid in the manner provided under section 387, the commissioner may, if he thinks fit and with the approval of the standing committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.

Power to declare expenses on certain work improvement expenses.

383. If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned

(*a*) in section 168, section 178, section 218, section 264, sub-sections (1) and (2), section 269, 273 or section 306,

(*b*) in any rule made under this Act in which this section is made applicable to such expenses,

the commissioner may, if he thinks fit and with the approval of the standing committee, declare such expenses to be improvement expenses.

Improvement expenses by whom payable.

384. (1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon, within such period not exceeding twenty years as the commissioner may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged.

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

Redemption of charge for improvement expenses.

385. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the commissioner such part of the said expenses as are still payable.

Relief to agents and trustees.

386. (1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Act, or any rule, by-law, regulation or order made under it for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purpose.

(2) The burden of proving the facts entitling any person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the commissioner may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the principal or beneficial owner as the case may be; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Payment of compensation, etc., by and to the Corporation.

Recovery of sums due as taxes.

387. All costs, damages, compensation, charges, expenses, contributions and other sums not recoverable under the rules in Part VI of schedule IV, which under or by virtue or in pursuance of this Act or any other law are directed to be paid by any person to the corporation, shall be demanded by bill or notice as provided in the said rules and may be recovered in the manner provided in those rules unless within fifteen days from the date of the service of the bill or notice such person shall have applied to the chief judge of the Small Cause Court under section 388.

Determination by Small Cause Court of sums payable.

388. Where in any case not provided for in section 395, any municipal authority or any person is required by or under this Act or any rule, by-law or regulation made under it to pay any damages, compensation, charges or expenses, or contributions, the amount or apportionment of the same shall, in case of dispute, be ascertained and determined except as is otherwise provided in section 335, section 379 and in the Land Acquisition Act, 1894, by the chief judge of the Small Cause Court on application made to him for this purpose at any time within one year from the date when such damages, compensation, charges or expenses or contributions first became claimable.

Proceedings before Small Cause Court.

389. (1) On any application under the provisions of section 388 the said chief judge shall summon the other party to appear before him.

(2) On the appearance of the parties or, in the absence of any of them on proof of due service of the summons, the said chief judge may hear and determine the case.

(3) In every such case the said chief judge shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

Recovery of sums payable by distress.

390. (1) If the sum due on account of damages, compensation, charges, expenses, contributions and the costs ascertained in the manner described in section 389 is not paid by the party liable within seven days after demand, such sum may be recovered under a warrant of the Small Cause Court by distress and sale of the movable property of such party.

(2) The balance, if any, of the proceeds of such sale, after satisfying such amount and the costs of the distress and sale, shall be returned on demand, if made within twelve months, to the party whose goods have been distrained.

Provisions regarding Municipal Prosecutions.

Prosecutions by commissioner.

391. Subject to the provisions of section 69 no prosecution for any offence against any of the provisions of this Act or any rule, by-law, regulation or order made under it shall be instituted except on the authority of the commissioner.

Period of limitation for making complaints.

392. (1) No person shall be liable to be tried for any offence against any of the provisions of this Act, or of any rule, by-law, regulation or order made under it, unless complaint is made before a magistrate within six months after the commission of the offence:

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall for the purposes of sub-section (1) be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required, and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Cognizance of offences.

393. All offences against this Act, or against any rule, by-law, regulation or order made under it, whether committed within or without the city, shall be cognizable by a presidency magistrate having jurisdiction in the city; and such presidency magistrate shall not be deemed to be incapable of taking cognizance of any such offence, or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal rate or other tax or of his being benefited by the municipal fund to the credit of which any fine imposed by him will be payable.

Imprisonment in default of payment and application of fines.

394. (1) In case any fine, costs or other sum of money imposed or assessed by a magistrate under this Act or under any rule, by-law or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code.

(2) Any fine or costs imposed or assessed by a magistrate by virtue of this Act shall on recovery be paid to the corporation to be by them applied to the purposes of this Act.

Payment of compensation for damage to municipal property.

395. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule, by-law or regulation made under it and by reason of such act or omission damage has been caused to any property of the corporation, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been

sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose by the commissioner not later than three months from the date of conviction; and, in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

Legal Proceedings in General.

Recovery of tax, etc., by suit.

396. Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty, toll or other amount due under this Act.

Institution of suits against municipal authorities, officers and agents.

397. (1) No suit for damages or compensation shall be instituted against the corporation or any municipal authority, officer or servant, or any person acting under the direction of the same, in respect of any act done in pursuance or in execution or intended execution of this Act or any rule, by-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act or any rule, by-law, regulation or order made under it until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted, and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(4) Where the defendant in any such suit is the commissioner, a municipal officer or servant, payment of the sum or any part of any sum, payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the standing committee, from the municipal fund.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

398. Subject to the provisions of section 69, the commissioner may—

(*a*) take, or withdraw from, proceedings against any person who is charged with—

(i) any offence against this Act, the rules, by-laws or regulations;

(ii) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;

(iii) committing any nuisance whatsoever;

(*b*) compound any offence against this Act, the rules, by-laws or regulations which may by rules made by the Governor in Council be declared compoundable;

(*c*) defend himself if sued or joined as a party in any proceeding in respect of the conduct of elections or in respect of the electoral roll;

(*d*) defend, or compromise any appeal against an assessment or tax;

(*e*) take, withdraw from or compromise proceedings under sections 388 and 395 for the recovery of expenses or compensation claimed to be due to the corporation;

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the commissioner, or with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees;

(*g*) with the approval of the council, defend any suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done by them, respectively, in their official capacity,

(*h*) with the approval of the standing committee, compromise any claim, suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;

(*j*) with the approval of the standing committee, institute and prosecute any suit or withdraw from or compromise any suit or claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the corporation or of the commissioner;

(*k*) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the council or the standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant.

Protecting Clauses.

Indemnity to municipal authorities, officers and agents.

399. No suit shall be maintainable against any municipal authority, officer, or servant or any person acting under the direction of any municipal authority, officer or servant, or of a magistrate, in respect of anything in good faith done under this Act or any rule, by-law, regulation or order made under it.

Liability of commissioner and councillors for loss, waste or misapplication.

400. (1) The commissioner and every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal corporation, if such loss, waste, or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the council with the previous sanction of the Governor in Council or by the Secretary of State in Council.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Effect of informalities.

401. (1) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, summons, warrant or other document issued under this Act or the rules or by-laws made under it may at any time as far as possible be rectified.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, summons, warrant or other document invalid or illegal, nor to render any person executing or serving any such document a trespasser, if the provisions of this Act, the rules and by laws have in substance and effect been complied with.

(3) No act of a municipal authority or of a municipal officer or servant shall be deemed to be invalid or illegal by reason only of a defect in the constitution of the corporation or in any election or appointment:

Provided always that any person who sustains any special damage by reason of any informality, clerical error, omission, or other defect shall be entitled to recover compensation for the same by suit.

Police.

Duties of police officers.

402. It shall be the duty of every police officer—

(*a*) to communicate without delay to the proper municipal officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, by-law or regulation made under it;

(*b*) to assist the commissioner or any municipal officer or servant, or any person to whom the commissioner has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the commissioner or in such municipal officer or servant or person under this Act or any such rule, by-law or regulation;

(*c*) to assist any person employed in the collection of tolls in cases of resistance to the lawful authority of such person;

and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

Power of police officers to arrest persons.

403. (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule, by-law or regulation made under it, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(*a*) after his true name and address are ascertained, or

(*b*) without the order of a magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest, than is necessary for bringing him before a magistrate.

Exercise of powers of police officer by municipal servants.

404. The Governor in Council may empower any municipal servant or any class of municipal servants to exercise the powers of a police officer for the purposes of this Act.

Miscellaneous.

Application of term "public servant" to municipal officers, agents and sub-agents.

405. Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, toll, or fee, and every person employed by any such contractor or agent for the collection of such tax, toll, or fee, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Prohibition against obstruction of municipal contractor.

406. No person shall obstruct or molest any person with whom the commissioner has entered into a contract on behalf of the corporation in the performance of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act or of any rule, by-law, regulation or order made under it.

Prohibition against removal of mark.

407. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Act or by any rule, by-law, regulation or order made under it.

Prohibition against removal or obliteration of notice.

408. No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate any notice exhibited by or under the orders of the corporation.

Prohibition against unauthorized dealings with public place or materials.

409. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on any land vested in the corporation or river, estuary, canal, backwater, or water course (not being private property), or in any way obstruct the same.

Transitional and Transitory Provisions.

Passing of property and rights to corporation as reconstituted.

410. All property and all interests of whatever kind owned by, vested in or held in trust by or for the corporation with all rights of whatever kind used, enjoyed or possessed by the corporation as constituted under the Madras City Municipal Act, 1904, as well as all liabilities legally subsisting against the said corporation shall pass to the corporation as constituted under this Act.

Procedure for recovery of arrears of taxes, etc.

411. All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to the corporation at the time this Act comes into force may be recovered as though they had accrued under this Act.

Commencement of Act.

412. This Act shall come into force on such date as the Governor in Council may by notification direct:

Provided that the power to make or approve rules, by-laws and regulations may be exercised at any time after the publication of the Governor-General's assent under section 81 of the Government of India Act, 1915, and that any election or appointment of councillors or members of the standing committee under this Act or under the rules made under this Act may, notwithstanding anything in sub-clause (v) of clause (*b*) of sub-section (1) to section 52, be held or made at any time after such publication, but no such election or appointment shall take effect until the commencement of the Act.

Provisions for first constitution of corporation under Act.

413. In their application to the term of office and the election and appointment of councillors, members of the standing committees and the commissioner elected or appointed for the first time after the commencement of this Act, the provisions of this Act shall be read subject to the following modifications:—

(*a*) the term of office of the president, of the other commissioners, and of the members of the standing committee holding office under the Madras City Municipal Act, 1904, shall expire on such date or dates after the commencement of this Act as the Governor in Council shall determine; and the Governor in Council shall make appointments and cause arrangements for election to be made under this Act so that the newly elected and appointed councillors may come into office on the date fixed for the retirement of the former commissioners, the new standing committees within fifteen days after the date fixed for the retirement of the former standing committee, and the commissioner appointed under this Act on the date fixed for the retirement of the president appointed under the Madras City Municipal Act, 1904, such date not being later than the date fixed for the retirement of the remaining commissioners holding office under the Madras City Municipal Act, 1904, and until they so come into office the president, the commissioners, and the standing committee appointed or elected under the Madras City Municipal Act, 1904, shall have all the powers and be subject to all the duties respectively of the commissioner, the councillors, and the standing committees under this Act; and

(*b*) on or as soon as may be after the constitution of the council under this Act a meeting shall be held on a day and at a time fixed by the commissioner, and, if not held on that day, shall be held on some subsequent day fixed by the commissioner, for the election of a president of the council, and of standing committees under this Act, and for ascertainment by lot (or if the Governor in Council so directs, otherwise than by lot) of ten divisional seats to be vacated at noon on the first day of November 1920 and of ten more such seats to be vacated on the first day of November 1921 and the councillors elected for the twenty seats so ascertained or the councillors elected in their places in casual vacancies shall hold office until the first day of November 1920 or the first day of November 1921 as the case may be, and the remaining ten divisional councillors shall continue in office until the first day of November 1922; and

(*c*) the first meeting of each standing committee elected for the first time under this Act shall be held on a day and at a time fixed by the commissioner.

SCHEDULE I.

ENACTMENTS REPEALED.

(*See section* 2.)

Year. (1)	Number. (2)	Short title. (3)	Extent of repeal. (4)
		Acts of the Governor of Fort St. George in Council.	
1904	III	The Madras City Municipal Act, 1904	The whole.
1905	II	The Madras Port Trust Act, 1905	Section 34.
1907	IV	The Madras City Municipal Act (Amendment Act), 1907.	The whole.
1911	II	The Madras City Municipal Act (Amendment Act), 1911.	Do.

SCHEDULE II.

RULES REGARDING PROCEEDINGS OF THE COUNCIL AND COMMITTEES.

(*See section* 31.)

THE COUNCIL.

1. A general meeting of the council shall be held at the municipal office every month on such day and at such hour as the president shall fix.

2. The president shall cause notice of every general meeting and of the business to be transacted thereat to be published in the local newspapers at least six clear days before the day of the meeting, but it shall be competent to him for good and sufficient reasons to alter the day or hour of the meeting at any time before the day originally fixed, provided that he shall intimate the alteration to the councillors and publish it in such manner as he may deem most expedient.

3. At each of the general meetings held in the months of April, June, August, October, December and February, the president shall place before the council a statement of receipts and disbursements on account of the municipal fund from the close of the last preceding year up to the close of the month before that in which the meeting takes place.

4. (1) The president may call a special meeting of the council at the municipal office, whenever he thinks fit, and shall call such a meeting on receiving a request in writing signed by ten councillors specifying a resolution which it is proposed to move.

(2) No special meeting shall be held unless at least four clear days' notice, specifying the purpose for which such meeting is to be held and the date and hour thereof, has been given by a separate communication addressed to each councillor and by publication in the local newspapers.

5. If the office of president is vacant the duties assigned to the president by rules 1 to 4 above shall be performed by the commissioner.

6. (1) All acts authorized to be done and all questions authorized to be decided by the council shall, save as otherwise provided in this Act, be done or decided by a majority of the councillors present and voting at a meeting.

(2) The president shall in case of equality of votes have a second or casting vote.

7. (1) No business shall be transacted at any meeting unless there is a quorum.

(2) Fifteen councillors at a general meeting and twenty at a special meeting shall constitute a quorum.

8. (1) Minutes of the proceedings of the council shall be entered in a book to be called the minute-book, and shall be signed by the president after each meeting.

(2) The minute-book shall be open at the municipal office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of eight annas.

9. (1) The council may appoint from among its own number committees for the purpose of inquiring into and reporting on any matter which is reserved by this Act for the decision of the council.

(2) By a resolution supported by not less than half the whole number of councillors, the council may add to any committee so appointed persons who are not councillors, but who may possess special qualifications in regard to the matter to be inquired into. Provided that the number of persons so appointed shall not exceed one-half of the number of councillors appointed to serve on the committee.

(3) The proceedings of every such committee shall be recorded in writing and submitted to the council.

THE STANDING COMMITTEES.

10. Each standing committee shall meet at the municipal office at least once a month on such day and at such hour as the committee shall from time to time determine.

11. The chairman of a standing committee may at any time call a meeting of the committee and shall do so within forty-eight hours of the receipt of a requisition signed by the commissioner or by three members of the committee and stating the business to be transacted.

12. No business shall be transacted at any meeting of a standing committee unless there is a quorum of three.

13. All questions shall be decided by a majority of the members present and voting, the chairman having a second or casting vote when there is an equality of votes.

14. Minutes of the proceedings of each standing committee shall be entered in books and shall be signed by the chairman. Minute books shall be placed before the council at such times as it may appoint.

15. In any case in which two or more standing committees have passed conflicting decisions, and such conflict has not been adjusted or otherwise dealt with by a conference of such committees or a joint committee as provided in sub-section (1) to section 20, the commissioner shall submit a report to the president who shall place the subject before a meeting of the council and pending the resolution of the council, the commissioner shall withhold all action in regard to the matter at issue.

16. Any member of a standing committee, other than the president of the council, who fails to attend four consecutive meetings, shall cease to be a member of it, but may be re-elected by the council.

SCHEDULE III.

AREAS AND BOUNDARIES OF THE ESPLANADE.

(*See section* 72.)

The Esplanade means the following three areas of which the boundaries are as follow :—

1st, The Monument Esplanade (excluding Popham's Esplanade road).—Bounded on the north by straight lines drawn from stone to stone, between M.D. Zone Mark No. 27, on the North Beach road, opposite to the High Court and a point 165 feet westward from Mark No. 24 in the straight lines between Zone Marks Nos. 24 and 23, where it crosses the western compound wall of the Ordnance line abutting on Irusappa Maistri street; on the south by Fraser's Bridge road and North Fort side road; on the east by North Beach road; and on the west by Irusappa Maistri street.

2nd, The Benfield Esplanade (excluding Moore's road and Esplanade footpath).—Bounded on the north by Fraser's Bridge road; on the south by the General Hospital road; on the east by the Wallaja or Benfield Esplanade road; and on the west by Nainiappa Naick street or Memorial Hall road.

3rd, The Medical College Esplanade.—Bounded on the north by the General Hospital road; on the south by the river Cooum; on the east by the Wallaja road; and on the west by the Medical College.

SCHEDULE IV

TAXATION RULES.

(*See section* 138.)

PART I.

Assessment of the Property Tax.

(See sections 99–109.)

1. The commissioner shall prepare and maintain property-tax registers in such form and in such parts and sections as he sees fit, provided that such registers shall record the following particulars, in so far as they can be ascertained, with regard to each assessable item :–

(*a*) The serial number, description and name (if any) of the item ;

(*b*) the name of the division and of the street, if any, in which it is situated ;

(*c*) the name of the owner ;

(*d*) the name of the occupier ;

(*e*) the annual value ; and

(*f*) the amount of the tax payable.

2. (1) When the registers are complete in respect of any division or part of a division, the commissioner shall give public notice stating where, and between what hours, such registers may be inspected.

(2) The owner or occupier of any land or building included in such registers or the agent of any such owner or occupier shall be permitted to inspect the said registers and to take extracts therefrom free of charge, and any other person shall be permitted to inspect the said registers and to take extracts therefrom on payment of a fee of one rupee on each occasion.

3. The commissioner shall amend the property-tax registers by altering, adding or deleting items as circumstances may require.

4. In every case in which any building or land is assessed for the first time, the commissioner shall give the owner or occupier special notice of the assessment.

5. In every case in which the assessment on any building or land is increased, otherwise than in consequence of the enhancement by the council of the rate at which the property tax is leviable, the commissioner shall give the owner or occupier special notice stating the amount of the increase and the reasons therefor.

6. When the commissioner makes an amendment under rule 3, it shall be deemed to have taken effect from the earliest date in the current year on which the circumstances justifying the amendment existed ; no instalment of the revised rate shall, however, be payable until fifteen days after the service or sending of the notice required by rule 4 or rule 5.

PART II.

Assessment of Companies.

(See section 110.)

7. Companies shall be assessed by the commissioner on the following scale :—

Paid-up capital. *Lakhs of rupees.*	Half-yearly tax. RS.
A. More than twenty	1,000
B. More than ten, less than twenty	500
C. More than five, less than ten	250
D. More than three, less than five	150
E. More than two, less than three	100
F. More than one, less than two	50
G. Less than one	30

Provided that any company, the head office or a branch or principal office of which is not in the city and which shows that its gross income received in or from the city has not in the year immediately preceding the year of taxation exceeded—

	RS.
(*a*) twenty-five thousand rupees shall pay only	125
(*b*) fifteen thousand rupees shall pay only	75
(*c*) five thousand rupees shall pay only	25

Assessment for Profession Tax.

(See section 111.)

8. Persons shall be assessed by the commissioner to the profession tax under the following classes on a scale to be determined by the council from time to time :—

Provided that such scale shall be subject to the maximum and minimum specified against each class and shall proceed proportionately either to the maximum or the minimum scale :—

TAX ON PERSONS HOLDING APPOINTMENTS OR EXERCISING PROFESSIONS, ARTS, TRADES AND CALLINGS.

	Half-yearly. Maximum. RS. A.	Minimum. RS. A.
Class I.		
(1) All persons holding any appointment upon a monthly salary of five thousand rupees or upwards ... (2) All other persons exercising any profession, trade, art or calling, or their agents or servants in their absence	500 0	350 0
Class II.		
(1) All persons holding any appointment upon a monthly salary which amounts to three thousand or upwards but is less than five thousand rupees. (2) All other persons described in class I, but not assessed under class I	300 0	210 0
Class III.		
(1) All persons holding any appointment upon a monthly salary which amounts to two thousand or upwards but is less than three thousand rupees. (2) All other persons described in class I, but not assessed under class I or II	200 0	140 0
Class IV.		
(1) All persons holding any appointment upon a monthly salary which amounts to one thousand or upwards but is less than two thousand rupees. (2) All other persons described in class I, but not assessed under any of the previous classes ...	90 0	60 0
Class V.		
(1) All persons holding any appointment upon a monthly salary which amounts to seven hundred and fifty or upwards but is less than one thousand rupees ... ... (2) All other persons described in class I, but not assessed under any of the previous classes ...	45 0	30 0
Class VI.		
(1) All persons holding any appointment upon a monthly salary which amounts to five hundred or upwards but is less than seven hundred and fifty rupees ... ... (2) All other persons described in class I, but not assessed under any of the previous classes ...	30 0	20 0

	Half-yearly. Maximum.		Half-yearly. Minimum.	
	RS.	A.	RS.	A.
Class VII.				
(1) All persons holding any appointment upon a monthly salary which amounts to two hundred or upwards but is less than five hundred rupees. (2) All other persons described in class I, but not assessed under any of the previous classes ...	12	0	8	0
Class VIII.				
(1) All persons holding any appointment upon a monthly salary which amounts to one hundred or upwards but is less than two hundred rupees. (2) All other persons described in class I, but not assessed under any of the previous classes ...	5	0	4	0
Class IX.				
All hotel-keepers, lodging, boarding or eating or refreshment-house keepers and shop-keepers not assessed under any of the previous classes	1	0	0	8

9. (1) The commissioner may classify all persons liable under rule 8, but not in receipt of a fixed salary or remuneration, on general considerations with reference to the nature and reputed value of their business, the size and rental of residential and business premises, the quantity of articles dealt with, the number of persons employed and the income-tax paid to Government. The commissioner shall not call for accounts of any assessee, but any person may produce his accounts to show that the net income derived by him from the exercise of his profession, art, trade or calling within the city falls below the lowest limit of salary entered at the head of the class in which the commissioner has placed him and the commissioner shall revise the assessment if satisfied that the person should be placed in a different class.

(2) The commissioner may exempt any person falling within the ninth class on the ground of his poverty.

PART III.

Tax on Carriages and Animals.

(See section 116.)

10. (*a*) The tax on carriages and animals shall be levied at half-yearly rates not exceeding those shown in the following table :—

	Half-yearly instalment. RS.
For every motor or steam vehicle with metal tyres constructed to carry 2 tons or more	100
Additional charge for each trailer	50
For every motor or steam vehicle with rubber tyres constructed to carry 2 tons or more	75
Additional charge for each trailer	50
For every motor or steam vehicle constructed to carry one ton or less than two tons	50
For every tramcar, motor bus or charabanc constructed to carry 10 or more persons	50
For every four-wheeled motor vehicle constructed to carry less than 10 persons and more than 3 persons	35
For every four-wheeled motor vehicle constructed to carry 3 or less persons	25
For every motor tricycle and every motor bicycle with or without side-car	15
For every four-wheeled vehicle constructed to be drawn by one or more animals	10
For every two-wheeled vehicle constructed to be drawn by one or more animals	5

	Half-yearly instalment. RS.
For every other bicycle or tricycle	2
For every other carriage not being a child's perambulator or go-cart.	3
For every elephant	12
For every camel	6
For every horse or mule not under 12 hands	6
Do. under 12 hands	2
For every bull, bullock, male buffalo, ass or dog	1

(*b*) If, within the half-year, a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in clause (*a*), he shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which he has kept such carriage or animal during the half-year.

PART IV.

Tolls.

(See section 130.)

11. (*a*) Tolls shall be levied at the rates shown in the following table :—

	RS.	A.	P.
On every four-wheeled motor-vehicle constructed to carry less than ten persons	0	8	0
On every other steam or motor four-wheeled vehicle	1	0	0
On every motor tricycle or motor bicycle with or without side-car	0	6	0
On every other bicycle or tricycle	0	2	0
On every other carriage	0	3	0
On every cart	0	2	0
On every horse, mule, ass, buffalo, bull, bullock, camel or elephant	0	1	0

(*b*) Payment of a toll in respect of any vehicle covers the animals engaged in drawing it.

(*c*) Not more than a single payment of toll may be demanded in respect of any vehicle or animal during any one period of twenty-four hours counted from midnight to midnight.

PART V.

Revision of Assessment.

(See section 138.)

12. Any assessee who is dissatisfied with the assessment of any tax under this Act other than the transfer duty and the tax on timber may make an application in writing to the commissioner for the revision of such assessment stating the grounds of his objection thereto.

13. No application for revision under rule 12 shall be admitted—

(*a*) unless the application has reached the municipal office—

(i) in the case of the property-tax, within fifteen days from the publication of the public notice referred to in rule 2 or from the receipt of the special notice referred to in rule 4 or rule 5, and in the case of companies' and profession taxes, within fifteen days from the date of service of the notice prescribed by section 113, and

(ii) in the case of any other tax, within seven days from the date of demand ; and

(*b*) unless the tax has been paid :

Provided that in cases where the half-yearly instalment of a tax does not exceed Rs. 15, it shall be open to the commissioner to exempt the applicant before admitting the application from the prepayment of the tax as required in clause (*b*).

Explanation.—In the case of a tax leviable by half-yearly instalments the requirements of clause (*b*) shall be deemed to have been satisfied if the instalment for the current half-year has been paid.

14. Where on an application for revision of assessment the applicant is dissatisfied with the order proposed to be made by the commissioner thereon, the application shall be heard and decided by the standing committee copy of whose decision shall be sent to the applicant by the commissioner within two days thereof.

15. (*a*) An appeal shall lie to the small cause court against any decision of the standing committee under rule 14, but no such appeal shall be heard by the said court, unless—

(i) a notice of intention to appeal has been given to the commissioner within ten days from the date of the decision, and

(ii) the petition of appeal has been presented within fourteen days from the date of the decision.

(*b*) The court may for sufficient cause excuse delay in the presentation of an appeal.

(*c*) The notice of intention to appeal shall state the name, occupation and residence of the appellant or of his attorney or vakil (if any) and the grounds of appeal.

(*d*) The appellant shall not, except with the leave of the court, urge or be heard in support of any ground of objection which has not been set forth in his notice of intention to appeal.

16. The court may direct who shall bear the costs of an appeal under the above rule.

17. The small cause court may, if it thinks fit, state a case on any appeal for the decision of the High Court and shall do so whenever a question of law is involved, if either the commissioner or the appellant applies in writing in that behalf within fifteen days from the decision of the small cause court and deposits such sum as the small cause court thinks necessary to defray the cost of the reference.

18. (*a*) The High Court may pass such order as it thinks fit on a reference under rule 17.

(*b*) Upon production of a copy of the order passed under clause (*a*) the small cause court shall proceed to dispose of the case in conformity with the terms of the order, and may direct who shall bear the costs of the appeal and reference.

(*c*) In the event of the amount of any tax being reduced or remitted, the commissioner shall grant a refund accordingly.

19. Subject to the result of any application, appeal or reference made as hereinbefore provided, the assessment of any tax shall be final.

PART VI.

Collection of Taxes.

(See section 138.)

20. In the case of every assessment to any tax, the commissioner shall cause a bill to be served on or sent to the person liable for the tax:

Provided that in the case of the companies' and profession tax the notice given under section 113 of the Act shall be deemed sufficient.

21. Such bill shall contain—

(*a*) particulars of the demand;

(*b*) notice of the liability incurred in default of payment; and

(*c*) notice of the time within which any application for revision may be preferred.

22. If within fifteen days from the serving or sending of such bill the tax is not paid, and the omission to pay is not accounted for to the satisfaction of the commissioner, the tax, together with all costs may be levied under a warrant issued by the commissioner—

(i) by distress and sale of the movable property of the defaulter, or

(ii) if the defaulter is the occupier of any building or land in respect of which a tax is due, by distress and sale of any movable property which may be found in or on such building or land:

Provided always no movable property that is not liable to attachment and sale under section 60 of the Code of Civil Procedure, 1908, shall be liable to distraint.

23. Under a special order in writing of the commissioner any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to women until he has given three hours' notice of his intention and has given such women an opportunity to withdraw.

24. The officer charged with the execution of a warrant of distress shall make an inventory of the property seized and shall at the same time give notice of sale to the person in possession of the said property at the time of seizure.

25. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the sum due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

26. (*a*) If the amount due under the warrant together with the incidental expenses aforesaid is not paid within the time mentioned in the notice of sale, the property seized or a sufficient portion thereof may be sold by public auction under the orders of the commissioner who shall apply the proceeds, or such part thereof as may be necessary, in payment of the sum due, including all expenses as aforesaid.

(*b*) If the property seized is perishable, or if the expense of keeping it will, together with the amount of the tax due, exceed the value of the property, the commissioner shall forthwith sell the property after giving notice of sale to the person in possession at the time of seizure.

(*c*) The surplus, if any, shall be paid to the person in possession of the property distrained at the time of its seizure if application is made within twelve months from the date of sale; if no such application is made, the surplus shall be forfeited to the corporation.

(*d*) Neither the commissioner nor any municipal officer or servant shall directly or indirectly purchase any property at any such sale.

27. (*a*) Fees shall be levied on distraints under this Act with reference to the value of the property distrained and according to the rates specified in the following table:—

Value of property.	Amount of fee. RS. A. P.
Under ten rupees	0 4 0
Ten and under twenty-five rupees	0 12 0
Twenty-five and under fifty rupees	2 0 0
Fifty and under one hundred rupees	4 0 0
One hundred rupees and upwards	6 0 0

(*b*) Fees levied under this rule are not intended to cover the cost of maintaining any livestock distrained.

28. (*a*) The movable property of a defaulter may be distrained wherever it may be found within the Presidency of Madras.

(*b*) If it is necessary to distrain property outside the limits of the city, the commissioner shall address his warrant to such public servant having local jurisdiction as the Governor in Council may by general or special order direct.

(*c*) Such public servant shall execute the warrant himself or cause it to be executed by some person subordinate to himself.

(*d*) Subject to the modifications set out in the following clauses, the provisions of rules 23 to 27 (both inclusive) shall apply to the execution of the warrant and the disposal of the sale-proceeds.

(*e*) For the purpose of action under rule 23 no special order in writing of the commissioner shall be required, but if the public servant to whom the warrant is addressed charges any subordinate with the execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.

(*f*) For the purpose of action under rule 26 the public servant to whom the warrant is addressed may, without further orders from the commissioner, sell or direct the sale of the property seized, and shall on completion of the sale transmit the proceeds to the commissioner, subject to such deduction, if any, as may be necessary to meet expenses incurred locally.

(*g*) It shall be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any property at any such sale.

29. If the property tax due in respect of any building or land remains unpaid after a bill has been duly sent to or served on the owner thereof, the commissioner may demand such sum from the occupier of the said building or land, and, in default of payment thereof, may recover it from him in the manner provided in rule 22:

Provided that no arrears due from the owner for more than one year shall be so recovered from the occupier.

PART VII.

Miscellaneous.

(See section 138.)

30. The commissioner shall keep separate accounts of all moneys received and expended for any purpose connected with (*a*) the water and drainage tax, and (*b*) the lighting tax.

31. For the purposes of Parts V and VI of these rules the expression 'tax' includes payments due by way of composition for a tax.

SCHEDULE V.

FINANCIAL RULES.

(*See section* 141.)

PART I.

Authorized Expenditure.

1. The objects on which the municipal fund may be spent include those expressly declared obligatory by laws or rules, those which laws or rules expressly give the corporation a discretion to undertake, and, in general, all matters necessary for, or conducive to the safety, health, convenience or education of the citizens of Madras or the amenities of the city and all matters incidental to the administration.

2. The objects of expenditure connected with the public safety include the following:—

(*a*) Lighting of public streets and the provision, purchase, exploitation and maintenance of gas, electric or other undertakings for lighting public and private streets, places and buildings;

(*b*) Extinction of fires;

(*c*) Control, supervision or removal of dangerous places, buildings, trades and practices;

(*d*) Regulation of traffic;

(*e*) Prevention and removal of obstructions in streets or public places.

3. The objects of expenditure connected with the public health include the following:—

(*a*) The construction and maintenance of hospitals and dispensaries and temporary places of reception within or without the city for the treatment of infectious diseases occurring in the city; building hospitals and dispensaries and places of reception for the sick in general; contributing towards hospitals, dispensaries or places of reception provided by the Local Government; contracting for the use of a hospital or part of a hospital, dispensary, or place of reception; combining with any other local authority or with the Local Government to provide a common hospital, dispensary or place of reception; sending indigent inhabitants of the city to institutions outside

the city for treatment; the training of health officers, medical subordinates, sanitary inspectors and analysts; the training of nurses and the provision of nurses for attendance on patients suffering from infectious diseases at the houses of such persons; vaccination and the training and supervision of vaccinators and the provision of lymph; the registration of births, deaths and marriages; the enumeration of the inhabitants of the city; and other measures of a like nature;

(*b*) The construction, establishment, maintenance, supervision and control of public markets and slaughter-houses; of latrines; of drains and drainage works; of sewage farms; of tramways and other works for the removal of sewage; of water-works, drinking fountains, tanks and wells; of wash-houses or dhobikhanas; of parks, squares and gardens; the reclamation of unhealthy localities; and other sanitary measures of a like nature;

(*c*) The cleansing and watering of streets and drains; scavenging; the removal of excessive or noxious vegetations; the abatement of all nuisances;

(*d*) The regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning grounds and crematoria; and the provision of sites for and the closing of burial and burning grounds; the provision of new sites for offensive and dangerous trades and of special locations for factories; the acquisition of congested areas and the provision of new sites to relieve congestion or to provide for the growth of population; improvement and reclamation of land, planning, surveying and control of town extensions, whether within or without the municipal limits, re-distribution of sites in such extensions, and all measures of a like nature.

4. The objects of expenditure connected with the public convenience, amenities and education include:—

(*a*) The construction, maintenance, diversion and improvement of streets, bridges, causeways, culverts and the like; the regulation of building; the construction of model dwellings; the removal of projections and encroachments; the naming of streets; the numbering of houses; the planting and preservation of trees in public streets and places; the maintenance of public monuments;

(*b*) The construction, maintenance, alteration and adornment of public halls and theatres, the acquisition and maintenance of recreation grounds, playing-fields and promenades;

(*c*) Subject to all provisions of law the construction, maintenance, purchase or exploitation of tramways and other transport services, railways not included, of telephone systems, grass farms, dairies, public bakeries and other industrial concerns of public utility, whether within or without the municipal limits, and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concerns;

(*d*) The employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of sick animals, and the prevention of cruelty to animals;

(*e*) The provision and maintenance of zoological and horticultural gardens;

(*f*) The provision and maintenance of public libraries and reading-rooms, museums, art galleries, gymnasia or any other institutions connected with the diffusion of mental or physical culture;

(*g*) The provision and maintenance of public baths and bathing places;

(*h*) The provision of music for the people;

(*i*) The provision and maintenance of public clocks and clock-towers or of a time gun;

(*j*) The construction and maintenance of school houses;

(*k*) Primary education;

(*l*) Technical and industrial education;

(*m*) The training of teachers;

(*n*) The provision of standard weights, scales and measures, and of public weighing places;

(*o*) The holding of exhibitions or fairs;

(*p*) The provision and maintenance of rest-houses, choultries, alms houses, poor houses, pounds and other works of public utility;

(*q*) The organization and maintenance of health associations;

(*r*) The organization and maintenance of associations for the prevention of juvenile smoking and cruelty to children.

5. The objects of expenditure incidental to the administration include—

(*a*) The provision and maintenance of a principal municipal office and record room and of other offices with the cost of appurtenances and fittings and insurance;

(*b*) Salaries, allowances, liveries, pensionary and provident fund contributions, gratuities and pensions, and the cost or hire of vehicles for the commissioner and the municipal officers and servants; study leave allowances of professional officers and subordinates; sending municipal servants to any hospital or institute for treatment;

(*c*) Stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the councils;

(*d*) Legal expenses;

(*e*) The expenses of conducting elections;

(*f*) Auditors' fees;

(*g*) The provision and maintenance of municipal workshops;

(*h*) Municipal surveys, the preparation of maps of the city and of proposed extensions;

(*i*) The preparation and maintenance of a record of rights in immovable property;

(*j*) The acquisition of land for all or any of the purposes of the Act.

6. With the previous sanction of the Governor-General in Council the council may—

(*a*) upon any of the public streets in Madras, or upon any land in or without Madras which is vested in the council, construct or maintain any railway which may appear to the council to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,

(*b*) use and employ upon any such railway locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby,

(*c*) carry and convey passengers and goods upon any such railway,

(*d*) make such reasonable charges in respect of such passengers or goods as the council may from time to time determine,

(*e*) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway in or without Madras,

(*f*) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and

(*g*) lease any such railway to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon.

Explanation.—The term 'railways' in this rule does not include 'tramways.'

7. If the expenditure incurred by any other local authority in the Presidency of Madras for any purpose described in these rules is such as to benefit the inhabitants of the city, the commissioner may, with the sanction of the council, contribute towards such expenditure.

8. The commissioner may, with the sanction of the council, contribute towards the expenses of any public exhibition, ceremony or entertainment in the city.

9. The commissioner may, with the sanction of the council, defray the cost of the preparation and presentation of addresses to persons of distinction.

10. The commissioner may, with the sanction of the council and of the Governor in Council, contribute to any fund for the defence of the city, India or the empire, to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease.

PART II.

Receipts and Payments.

11. All moneys received by the corporation shall be lodged in the Bank of Madras or, with the sanction of the Governor in Council, in any other bank, and shall be credited to an account entitled the "Municipal Fund Account" and may, with a like sanction, be invested in any one of the securities specified in section 20 of the Indian Trusts Act, 1882.

12. All orders or cheques against the municipal fund shall be signed by the commissioner or in his absence by the revenue officer, and the bank in which the fund is lodged shall, so far as the funds to the credit of the corporation admit, pay all orders or cheques against the fund which are so signed.

13. The payment of any sum out of the municipal fund may be made or authorized by the commissioner if such sum is covered by a budget-grant and a sufficient balance of such budget-grant is available.

14. The payment of any sum out of the municipal fund may be made or authorized by the commissioner in the absence of budget provision in the case of—

(*a*) refunds of taxes and other moneys authorized by law, rule, by-law or regulation;

(*b*) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) costs incurred by the commissioner in the exercise of his powers under section 11 of the Act;

(*d*) sums payable under section 43, sub-section (1), clause (*c*), and section 153, sub-section (2) of the Act;

(*e*) sums payable under a decree or order of a civil court passed against the corporation or under a compromise of any suit or legal proceeding or claim;

(*f*) any sum which the commissioner is required by law, rule, by-law or regulation to pay by way of compensation or expenses;

(*g*) the salary payable to a special health officer appointed under section 89 of the Act;

(*h*) expenses incurred by the commissioner under section 334, sub-section (3), and expenses lawfully incurred in anticipation of recoupment from a person liable under any provision of law:

Provided that the commissioner shall forthwith communicate the circumstances to the standing committee which shall take any action that may in the circumstances be necessary or expedient to cover any expenditure not covered by a budget grant.

15. The commissioner shall not overdraw.

PART III.

Audit, Surcharge and Disallowance.

16. The auditors appointed under section 140 shall maintain and keep a continuous audit of the municipal accounts.

17. The commissioner shall submit all accounts to the auditors as required by them.

18. The auditors may—

(*a*) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts;

(*b*) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them;

(*c*) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

19. The auditors shall—

(*a*) report to the standing committee any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the corporation or in the municipal accounts;

(*b*) furnish to the standing committee such information as the said committee may require concerning the progress of their audit;

(*c*) report to the standing committee any loss or waste of money or other property owned by or vested in the council caused by neglect or misconduct, with the names of persons, directly or indirectly responsible, for such loss or waste; and

(*d*) submit to the standing committee a final statement of the audit and a duplicate copy thereof to the Governor in Council within a period of three months from the end of the financial year, or within such other period as the Governor in Council may notify.

20. The standing committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the council.

21. (1) The auditors shall disallow every item contrary to law and surcharge the same on the person making or authorizing the illegal payment; and shall charge against any person responsible therefor, the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

(2) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish a copy thereof to the person against whom it is made.

22. Any person aggrieved by disallowance, surcharge or charge made may, within fourteen days after he has received or been served with the decision of the auditor, apply to the Court of Small Causes of Madras, notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882, to set aside such disallowance, surcharge or charge and the court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application any person so aggrieved may appeal to the Governor in Council who shall pass such orders as he thinks fit.

23. Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the commissioner within fourteen days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the court or to the Governor in Council against the decision; and such sum if not so paid, or such sum as the court or the Governor in Council shall declare to be due, shall be recoverable on an application to the court in the same way as an amount decreed by the court.

24. The corporation shall pay to the auditors out of the municipal fund such remuneration as the Governor in Council may determine.

Part IV.

Form of Accounts.

25. The council shall make regulations, subject to the approval of the Governor in Council, to provide for—

(*a*) the form in which the budget estimates, budget statements and returns of the corporation shall be kept; and

(*b*) the form in which the accounts of the corporation shall be kept.

SCHEDULE VI.

PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 287 BE USED WITHOUT A LICENCE.

(*See section* 287.)

Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever—

ammunition,	nitro-glycerine,	fish,	rags,
chemical preparations,	nitro-mixture,	hair,	skins,
chlorate-mixture,	saltpetre,	hides,	tallow,
fire-works,	sulphur,	hoofs,	tar,
fulminate of mercury,	blood,	horns,	turpentine,
gas,	bones,	leather,	wool,
gun-cotton,	camphor,	lime shells,	coconut fibre,
gun-powder,	catgut,	manure,	flax,
lime,	cotton, cotton refuse, cotton seed,	meat,	hemp;
matches,	fat,	offal,	jute,
nitro-compound,	fins,	oil,	rosin,
		oil-cloth,	spirits,
		pitch,	surkhi.

Packing, pressing, cleansing, preparing or manufacturing by any process whatever—

pottery, candles, cement, dyes, soap, sugar, sugarcandy, flour, silk, paper.

Manufacturing articles from which offensive or unwholesome smells, fumes, or dust arise.

Boiling camphor, paddy or oil.

Breaking and hammering iron and manufacturing articles out of iron.

Beating metals.

Casting metals; gilding; electro-plating.

Dyeing cloths.

Washing soiled clothes and keeping soiled cloths for the purpose of washing them and keeping washed clothes.

Manufacturing carpets.

Manufacturing bricks and tiles.

Manufacturing condiments.

Manufacturing or distilling sago.

Baking or preparing bread, biscuits or confectionery (for other than domestic use).

Manufacturing ice.

Manufacturing ærated waters.

Storing and packing onions and garlic:—

Provided that no licence shall be required for the storage only of any of the articles mentioned in this schedule in such limited quantities as may from time to time be fixed by the commissioner.

SCHEDULE VII.

ORDINARY PENALTIES.

[*See section* 357 (1).]

1		2	3
Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
106	(1) & (3)	Failure to give notice of transfer of title or to produce documents.	Fifty rupees
107	..	Failure to send notice to commissioner after completion of construction or re-construction of building.	Fifty rupees.
109		Failure of owner or occupier to furnish return of rent, etc. ..	
114	(1)	Failure of owner or occupier to furnish list of persons liable to tax.	One hundred rupees.
115	..	Failure of employer or his representative to furnish list of persons liable to tax.	One hundred rupees.
120	..	Failure of occupier to obey requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement, etc.	One hundred rupees.
122	(1)	Failure to obey order to affix and register number of carriage ..	Ten rupees.
124	(1)	Failure of owner to register cart	
,,	(3)	Failure to have or keep registration number affixed to cart ..	Ten rupees.
129	(2)	Importation of timber into the city without payment of the tax due thereon	Ten rupees.
133		Attempt to evade payment of toll	Ten rupees.
166	..	Trespassing on premises connected with water-supply	One hundred rupees.
168	..	Failure to maintain house-connexions in conformity with by-laws and regulations.	Fifty rupees.
169	(2)	Failure to obey requisition to make house-connexion	Fifty rupees.
,,	(3)	Occupying or allowing occupation of house without proper water-supply.	Fifty rupees.
177	..	Failure to maintain house drains, etc., in conformity with by-laws and regulations.	Fifty rupees.
178	(2) & (3)	Failure to obey requisition as to house-drainage	Fifty rupees.
,,	(4)	Occupying or allowing occupation of house without proper drainage.	Fifty rupees.
180	1 (*b*)	Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain.	Two hundred rupees.
181	..	Unlawful construction of building over public drain	Fifty rupees.
182	..	Failure to obey requisition regarding culverts or to keep them free from obstruction.	One hundred rupees.
183	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Fifty rupees.
185	(2)	Keeping of public latrine without licence	Fifty rupees.
,,	(3)	Allowing public latrine to be in unclean condition or improper order.	Fifty rupees.
186	..	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Fifty rupees.
187	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	Fifty rupees.
188	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand, or to keep them clean and in proper order.	One hundred rupees.
189	..	Failure to construct latrines so as to screen persons using them from view.	One hundred rupees.
191	..	Making connexion with mains without permission	Twenty rupees.
195	(1)	Failure of occupier to obey direction to collect rubbish and filth and deposit them in a box or basket or other receptacle of his own at or near premises.	Two hundred rupees.
,,	(2)	Failure to obey direction to collect rubbish and filth accumulating in latrine and to deposit in municipal carts.	Ten rupees.
,,	(3)	Failure to obey direction to collect rubbish and filth and deposit them in public receptacle.	Ten rupees.
196	(*a*)	Failure to obey direction to collect and remove rubbish and filth accumulating on business premises.	Ten rupees.
202	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Twenty rupees.
,,	(2)	Irregular deposit of rubbish or filth	Ten rupees.
,,	(3)	Irregular removal of rubbish or filth	Twenty rupees.
,,	(4)	Deposit of rubbish or filth in unauthorized place	Twenty rupees.
,,	(5)	Keeping rubbish or filth for more than twenty-four hours, etc. ..	Ten rupees.
,,	(6)	Allowing filth to flow in streets	Twenty rupees.
209	..	Building within street alignment or building line without permission.	One thousand rupees.

1		2	3
Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
214	..	Unlawful displacement, etc., of pavement or fences, posts, and other materials of public street.	Fifty rupees.
216	..	Unlawful making or laying of new street	Five hundred rupees.
218		Failure to obey requisition to metal, etc., private street	One hundred rupees.
220	..	Building wall or erecting fence, etc., in a street	One hundred rupees.
221	..	Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees.
222	..	Failure to remove permanent encroachment	Two hundred rupees.
223	..	Failure to remove temporary encroachments	Fifty rupees.
225	..	Unlawful removal of bar, or shoring of timber, etc., or removal or extinction of light.	Fifty rupees.
226	(1)	Unlawful making of hole or placing of obstruction in street ..	Fifty rupees.
,,	(3)	Failure to remove obstruction	Fifty rupees.
227	..	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Fifty rupees.
,,	..	Failure to fence, etc., such building while under repair	Fifty rupees.
228	(3)	Unlawful destruction, etc., of name of street	Twenty rupees.
229	(2)	Unlawful destruction, etc., of number of building	Twenty rupees.
,,	(3)	Failure to replace number when required to do so	Twenty rupees.
233	..	Construction of external roof, etc., with inflammable materials ..	Fifty rupees.
254	..	Failure to keep external walls of premises in proper repair ..	Twenty rupees.
258	..	Failure to obey requisition to take down, repair or secure dangerous structure.	Five hundred rupees.
259	..	Failure to obey requisition to secure, lop, or cut down dangerous tree.	Fifty rupees.
260	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passers—by or persons living in neighbourhood.	Fifty rupees.
261	..	Failure to obey notice regarding precautions against fire	One hundred rupees.
262	(1)	Constructing well, etc., without permission	Fifty rupees.
,,	(3)	Failure to obey notice to fill up or demolish well, etc.	Fifty rupees.
263	..	Failure to obey requisition to stop dangerous quarrying	One hundred rupees.
264	..	Failure to obey requisition to fill up, etc., tank or well, or drain off water, etc.	Fifty rupees.
265	..	Failure to obey requisition to cleanse or close, etc., tank, well or other source of water used for drinking.	Fifty rupees.
267	..	Unlawful washing and fishing in river, or estuary after prohibition or contrary to regulations.	Twenty rupees.
268	(*a*)	Unlawful bathing in certain places	Fifty rupees.
,,	(*b*)	Unlawful washing of animals, etc., in certain places	Fifty rupees.
,,	(*c*)	Unlawful throwing of animal, etc., into the water in certain places.	Fifty rupees.
,,	(*d*)	Fouling of water in certain places	Fifty rupees.
269	..	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	Fifty rupees.
270	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with prickly-pear or other noxious vegetation.	Fifty rupees.
271	..	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees or lower an enclosing wall.	Fifty rupees.
272	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Fifty rupees.
273	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of masonry building and fifty rupees in the case of hut.
274	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day.
,,	(4)	Failure to obey requisition to demolish the same	Twenty rupees for each day.
275	(1)	Allowing overcrowding in building after order to abate the same.	Twenty rupees for each day.
,,	(4)	Failure to obey requisition to vacate overcrowded building or room.	Twenty rupees for each day.
280	(*a*)	Unlawful keeping of pigs	Twenty rupees.
,,	(*b*)	Unlawful keeping of animal so as to be a nuisance or dangerous.	Twenty rupees.
,,	(*c*)	Feeding of animals on filth	Twenty rupees.
282	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Fifty rupees.
284	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Fifty rupees.
286	..	Failure to remove carcass of animal	Twenty rupees.
287	(3)	Use of place without licence or contrary to licence	Two hundred rupees.
288	(1) & (2)	Unlawful erection of steam-boiler or machinery	One thousand rupees.
,,	(3)	Disobedience of order regarding chimneys	Five hundred rupees.
289	(*a*)	Disobedience of order regarding hours of work	One hundred rupees.
,,	(*b*)	Using rice-husk, etc., for fuel after prohibition	One hundred rupees.
,,	(*c*)	Using steam-whistle, etc., after prohibition	Fifty rupees.
290	..	Use of place for sale or storage of timber, firewood, or other combustible without licence or contrary to licence.	One hundred rupees.
293	(2)	Washing of clothes by washermen at unauthorized places ..	Twenty rupees.
295	..	Use of place as slaughter-house without licence or contrary to licence.	Two hundred rupees.

1		2	3
Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
297	..	Slaughter of animals for sale or food or skinning or cutting up carcases without licence or contrary to licence or drying skin so as to cause a nuisance.	Twenty rupees for every animal, carcass or skin.
299	..	Carrying on milk trade without licence or contrary to licence ..	Fifty rupees.
302	..	Sale or exposure for sale in public market of animal or article of food without licence or contrary to licence.	Fifty rupees.
303	(2)	Opening private market without licence or contrary to licence.	Five hundred rupees.
304	..	Keeping open private market without licence or contrary to licence.	Five hundred rupees.
305	..	Sale or exposure for sale of animal or article in unlicensed private market.	Fifty rupees.
306	..	Failure to obey direction to construct approaches, drains, etc., to private markets or to pave them, etc.	Fifty rupees.
307	(2)	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.	Fifty rupees for each day.
308	..	Breach of market regulations	Fifty rupees.
309	..	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	One hundred rupees.
310	..	Sale of article in public streets after prohibition or contrary to regulations.	Twenty rupees.
313	..	Preventing the commissioner or any person authorized by him from exercising his powers of entry, etc., under section 312.	Fifty rupees.
315	..	Removing or in any way interfering with an animal or article secured under section 314.	Five hundred rupees.
321	(4)	Use or allowance of use of unlicensed burial or burning ground ..	Five hundred rupees.
,,	(4)	Use or allowance of use of unregistered burial or burning ground.	One hundred rupees.
322	..	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees.
323	..	Construction of vault or grave or burial of corpse in place of public worship.	Five hundred rupees.
324	(3)	Burial or burning in place after prohibition	Two hundred rupees.
325	..	Burial or burning in place contrary to Act or by-laws	Fifty rupees.
326	..	Discharge of office of grave digger or attendant at place for disposal of dead without licence.	Twenty rupees.
330	..	Failure of medical practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees.
334	..	Failure to obey requisition to cleanse or disinfect building or article.	Fifty rupees.
336	(2)	Washing of infected articles at unauthorized places	Fifty rupees.
337	..	Giving, lending, etc., of infected articles	Fifty rupees.
338	(1)	Entry of infected person into public conveyance without notifying fact of infection.	Fifty rupees.
339	(1)	Failure to disinfect public conveyance, etc.	Fifty rupees.
,,	(2)	Failure to obtain certificate from Health Officer a public conveyance in which an infected person travelled.	Fifty rupees.
340	..	Using before obtaining certificate infected building without certificate	Fifty rupees.
341	..	Letting or subletting of	Two hundred rupees.
342	..	Failure to close place of public entertainment	Two hundred rupees.
343	..	Failure to disinfect public conveyance, etc.	Fifty rupees.
345	..	Using before obtaining certificate infected building without certificate from the health officer.	Fifty rupees.
346	..	Failure to close place of public entertainment	Two hundred rupees.
356	(3)	Use or permitting use of book from public or circulating library by infected person.	Fifty rupees.
,,	(4)	Failure to give information of smallpox	Fifty rupees.
365	(7)	Sending infected child to school	Fifty rupees.
368	..	Entering city within forty days of inoculation for smallpox without certificate.	Fifty rupees.
376	(1)	Prevention of inspection of copies of rules and by-laws publicly exhibited.	One hundred rupees.
406	..	Destruction, etc., of board exhibiting printed copies of by-laws and rules.	Fifty rupees.
407	..	Failure to produce licence on request	Fifty rupees.
408	..	Failure to obey requisition to attend, produce document or give evidence.	Ten rupees.
409	..	Failure of occupier to obey requisition to permit owner to comply with provisions of Act.	One hundred rupees.
		Obstructing or molesting municipal contractors, etc.	Fifty rupees for each day.
		Removing mark set up for indicating level, etc.	Two hundred rupees.
		Removal, etc., of notice exhibited by or under orders of the corporation.	Two hundred rupees.
Schedule V, rule 18	..	Unlawful removal of earth, sand or other material from land vested in the corporation or deposit of matter or encroachment in or on river, estuary, etc.	Fifty rupees.
		Failure to obey requisition by auditors to attend, give evidence or produce document.	One hundred rupees.

SCHEDULE VIII.

PENALTIES FOR CONTINUING BREACHES

[*See section* 357 (2).]

1		2	3
Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
168	..	Failure to maintain house-connexions in conformity with by-laws and regulations.	Five rupees.
169	(2)	Failure to obey requisition to make house-connexion	Five rupees.
177	..	Failure to maintain house-drains, etc., in conformity with by-laws and regulations	Ten rupees.
,, 178	(2) & (3)	Failure to obey requisition as to house-drainage	Ten rupees.
	(4)	Occupying or allowing occupation of house without proper drainage.	Twenty rupees.
183	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Ten rupees.
185	(2)	Keeping of public latrine without licence	Ten rupees
,,	(3)	Allowing public latrine to be in an unclean condition or improper order.	Ten rupees.
186	..	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Ten rupees.
187	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	Twenty rupees.
188	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order.	Twenty rupees.
202	(1) & (5)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Ten rupees.
209	..	Building within street alignment or building line without permission.	One hundred rupees.
222	..	Failure to remove permanent encroachment..	Ten rupees.
223	..	Failure to remove temporary encroachment	Five rupees.
226	(1)	Unlawful making of hole or placing of obstruction in street ..	Ten rupees.
227	..	Construction, etc., of building without licence where street or foot-way is likely to be obstructed.	Ten rupees.
233	..	Construction of external roof, etc., with inflammable materials ..	Ten rupees.
254	..	Failure to keep external walls of premises in proper repair ..	Ten rupees.
260	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passers—by or persons living in neighbourhood.	Ten rupees.
261	..	Failure to obey notice regarding precautions against fire	Ten rupees.
263	..	Failure to obey requisition to stop dangerous quarrying	Ten rupees.
264	..	Failure to obey requisition to fill up, etc., tank or well or drain off water, etc.	Ten rupees.
265	..	Failure to obey requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking.	Ten rupees.
269	..	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	Ten rupees.
270	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or over-grown with prickly-pear or other noxious vegetation.	Ten rupees.
271	..	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees or lower an enclosing wall.	Ten rupees.
272	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Ten rupees.
273	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of masonry building and five rupees in the case of hut.
280	(*a*)	Unlawful keeping of pigs	Five rupees.
,,	(*b*)	Unlawful keeping of animal so as to be a nuisance or danger ..	Five rupees.
282	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Ten rupees.
284	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Ten rupees.
286	..	Failure to remove carcass of animal	Five rupees.
287	(3)	Use of place without licence or contrary to licence	Fifty rupees.
288	(1) & (2)	Unlawful erection of steam-boiler or machinery	One hundred rupees.
,,	(3)	Disobedience of order regarding chimneys	Fifty rupees.
289	(*a*)	Disobedience of order regarding hours of work	One hundred rupees.
290	..	Use of place for sale or storage of timber, firewood or other combustible, without licence or contrary to licence.	Ten rupees.
295	..	Use of place as slaughter-house without licence or contrary to licence.	Fifty rupees.
299	..	Carrying on milk trade without licence or contrary to licence ..	Five rupees.
303	(2)	Opening private market without licence or contrary to licence ..	One hundred rupees.
304	..	Keeping open private market without licence or contrary to licence.	One hundred rupees.
305	..	Sale or exposure for sale of animal or article in unlicensed private market.	Twenty rupees.

1		2	3
Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
308	..	Breach of market regulations	Ten rupees.
309	..	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	Ten rupees.
334	..	Failure to obey requisition to cleanse or disinfect building or article.	Ten rupees.
Schedule V, rule 18.	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Seventy rupees.

This law was made at a meeting of the Council of the Governor of Fort St. George held for the purpose of making Laws and Regulations on the 13th March 1919.

PENTLAND,
President.

The 26th March 1919.

I declare my assent to this Law.

PENTLAND,
Governor.

The 26th March 1919.

An authentic copy.

H. G. STOKES,
Acting Secretary to Government.

I assent to this Law.

CHELMSFORD,
Viceroy and Governor-General.

The 2nd June 1919.

Government of Madras

LOCAL AND MUNICIPAL (LEGISLATIVE) DEPARTMENT

G.O. No. 78, 25th June 1919

Legislation in Local Councils

Recording letter from the Government of India conveying certain remarks and suggestions in connexion with — .

READ—the following papers :—

I

G.O. No. 73, Legislative, dated 7th June 1916.

ABSTRACT.—Recording letter from the Government of India requiring that Acts passed by the Madras Legislative Council should be submitted for the assent of the Governor-General as soon as possible and at all events not later than one month after they are passed in the Local Council.

G.O. No. 52, L. and M. (Legislative), dated 2nd July 1918.

ABSTRACT.—Recording letter from the Government of India forwarding revised instructions regarding legislation in Local Councils.

II

Letter—from the Hon'ble Mr. H. MONCRIEFF SMITH, I.C.S., Officiating Secretary to the Government of India, Legislative Department.
To—the Chief Secretary to the Government of Madras.
Dated—Simla, the 20th May 1919.
No.—1475.

I am directed to convey the following remarks and suggestions in connexion with legislation in Local Councils.

2. I am in the first place to refer to the Hon'ble Mr. Muddiman's letter No. 1473, dated the 5th June 1918, forwarding copies of the revised instructions to Local Governments regarding legislation in Local Councils, and to invite attention to certain matters dealt with in the instructions which are not infrequently overlooked.

Rule 1 (5) regarding Bills which propose textual amendments either numerous or complicated, is not one which is often called into operation, and for this reason its existence is apt to be forgotten. The Government of India however attach considerable importance to its observance in the case of all Bills to which it can reasonably be held to apply.

Rules 5 *and* 6.—The requirements of rule 6 (1) do not appear in all cases to be exactly apprehended. They are that in the case of a Bill dealt with under rule 5 the communication to the Secretary of State and this Department, or to this Department alone, as the case may be, should be made immediately on introduction, and should be accompanied by a copy of the draft Bill and all necessary papers connected therewith, as well as by the explanation required by rule 6 (2). The rule does not contemplate the submission of a draft Bill to this Department before introduction, and ordinarily no such reference is from the nature of the case called for. Such a reference, however, if for any reason deemed necessary, should be understood to be outside the scope of the instructions and not to obviate the necessity for observing the provisions of the rule as explained above, as soon as the Bill is introduced. The Government of India have before them cases in which six weeks have elapsed between the date of introduction of the Bill and the receipt of a copy of it.

Rule 10.—I am to invite attention to the necessity for a stricter compliance with the provisions of rule 10 (3), regarding the further report required from Local Governments as to the policy of a non-official member's Bill and the attitude which it is proposed to adopt towards it. Local rules require two months' notice to be given of a motion for leave to introduce a Bill, and the object of the rule is to give the Government of India as much time as possible for the examination of measures of this nature. This object is defeated if the greater part of the two months' period has elapsed before the Government of India are in possession of the Local Government's views. In some cases the whole period has expired before the report has been received in this Department, and I am to say that importance should be attached to the provision requiring its submission 'without delay'.

3. I am at the same time to invite a reference to the Hon'ble Mr. Muddiman's letter No. $\frac{2665}{2673}$, dated the 20th May 1916, and to reiterate the request that authentic copies of Acts for the Governor-General's assent should be submitted so as to reach this Department as soon as possible after, and at latest within one month of, the date on which they are passed in the Local Council. In the Imperial Council the practice is to obtain His Excellency the Governor-General's assent on the same day that a law is passed; and unless unforeseen amendments are made in a Bill at the final reading there seems *primâ facie* to be no reason why a similar practice should not be observed in the Local Councils.

4. I am also to say that the Government of India would find it very convenient in dealing with Local Bills to be furnished regularly with previous information as to the dates on which the meetings of local Legislative Councils are to take place. I am therefore to request that in future as soon as the dates and places of meetings are fixed definitely or provisionally, they may with the permission of His Excellency the Governor in Council be communicated to this Department.

Order—No. 78, L. and M. (Legislative), dated 25th June 1919.

Recorded.

(True extract)

H. G. Stokes,
Acting Secretary to Government.

To the Home (Miscellaneous) Department (with notes).
,, other Departments of the Secretariat.