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Government of Madras

LAW (DRAFTING) DEPARTMENT

THE MADRAS CODE

IN FOUR VOLUMES

VOLUME III

(PART IV)

UNREPEALED ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL AND OF THE LOCAL LEGISLATURE, FROM THE YEAR 1915 TO THE YEAR 1923.

FIFTH EDITION

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VOLUME III.

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MADRAS ACT No. I OF 1915[1].

[THE MADRAS ABKARI ACT (AMENDMENT ACT), 1915.]

[*9th March*, 1915.]

An Act to amend the Madras Abkāri Act I of 1886.

WHEREAS it is expedient to amend Madras Act I of 1886; It is hereby enacted as follows :—

1. This Act shall be called the Madras Abkari Act (Amendment Act), 1915. Preamble.

2. In section 3 of the said Act the following amendment shall be made :— Short title.

For the existing explanation of the term "denatured" occurring at the end of sub-section (8) the following shall be substituted :— Amendment of section 3.

[*Vide p.* 383.]

3. The following shall be substituted for section 55-A :—

[*Vide pp.* 404–405.]

MADRAS ACT No. II OF 1915.[2]

[THE MADRAS PORT TRUST (AMENDMENT) ACT, 1915.]

[10*th August*, 1915.]

An Act to amend the Madras Port Trust Act, 1905.

Madras Act II of 1905.

WHEREAS it is expedient to amend the Madras Port Trust Act, 1905; It is hereby enacted as follows :— Preamble.

1. This Act may be called the Madras Port Trust (Amendment) Act, 1915. Short title.

2. In this Act the words "section", "sub-section" and "clause" shall, unless otherwise expressly stated, mean section, sub-section and clause of the Madras Port Trust Act, 1905. Interpretation clause.

[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 1st December 1914, p. 1169. For Proceedings in Council *see ibid.*, dated 23rd February 1915, pp. 65–66.

[2] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 5th January 1915, pp. 4–5. For Proceedings in Council *see ibid.*, dated 13th April 1915, pp. 232–233, and *ibid.*, dated 6th July 1915, pp. 652–653.

Amendment of section 5.

3. In clause (2) of section 5 the word "Sea" before the words "Customs for the Port of Madras" shall be omitted.

In clause (3) of the same section the word "slipways" shall be substituted for the words "patent slips" and the words "or protected" shall be inserted before the words "by the arms or groynes of the harbour."

Clause (5) of the same section shall be omitted and the subsequent clauses renumbered as (5) to (12).

In clause (13) of the same section the words "any wall or stage and" shall be inserted after the word "includes".

Amendment of section 8.

4. In section 8 the word "nine" shall be substituted for the word "eight" and the word "fourteen" for the word "twelve" and the words "residing in the City of Madras" occurring at the end shall be omitted.

Substitution of a revised section for section 9.

5. For section 9 the following shall be substituted :—

[*Not printed. See p.* 598.]

Addition of a proviso to section 12.

6. At the end of section 12 shall be added the following proviso :—

[*Not printed. See p.* 598.]

Amendment of section 18.

7. In section 18, the words "by the Chamber of Commerce or Trades Association" shall be omitted.

Amendment of section 23.

8. In section 23, clause (2), sub-clause (*g*), the words "by the Secretary" shall be omitted.

Amendment of section 36.

9. For clause (2) of section 36 shall be substituted the following :—

[*Not printed. See p.* 607.]

and in clause (8) the words "passengers or" shall be inserted between the words "transhipping" and "goods".

Substitution of a revised section for section 39.

10. For section 39 shall be substituted the following section :—

[*Not printed. See pp.* 609–610.]

Substitution of a revised section for section 41.

11. For section 41 shall be substituted the following :—

[*Not printed. See p.* 610.]

Substitution of a revised section for section 42.

12. For section 42 the following shall be substituted :—

Not printed. See p. 611.]

Amendment of section 43.

13. In section 43, the words "and a statement of conditions" shall be inserted after the words "a scale of charges."

Amendment of section 44.

14. The following shall be added at the end of section 44, sub-section (2) :—

[*Vide p.* 612.]

The following shall be inserted as sub-section (3) of section 44:—

[*Vide p.* 612.]

Amendment of section 76.

15. In the last clause of section 76 for the words "twenty-five thousand rupees" shall be substituted the words "fifty thousand rupees."

Transfer of section 79 to chapter X.

16. Section 79 shall be transferred to chapter X and numbered as section 93, the numbering of sections 80 to 93 and the references thereto being altered accordingly.

Amendment of section 81.

17. In section 81 the words "and in some one or more of the daily newspapers published in Madras" shall be omitted.

Amendment of section 95.

18. In section 95 the following shall be inserted as clause (9):—

"(9) for the exclusion from its premises of disorderly or other undesirable persons and of trespassers; and", the word "and" at the end of clause (8) being omitted, and the present clause (9) being renumbered as clause (10).

Amendment of section 98.

19. In section 98 before the words "to be printed" shall be inserted the words "together with a statement of the conditions under which it is prepared to render services."

Amendment of section 105.

20. In section 105 the words "weight, quantity or description of such goods has been understated or incorrectly given" shall be substituted for the words "weight or quantity of such goods has been understated"; and for the words "weight or quantity of goods so understated" occurring in the same section shall be substituted the words "whole weight or quantity of the consignment of goods so understated or incorrectly described."

MADRAS ACT No. I OF 1916[1].

[THE MADRAS OUTPORTS LANDING AND SHIPPING FEES (AMENDMENT) ACT, 1915.]

[14*th March*, 1916.]

An Act to amend the Madras Outports Landing and Shipping Fees Act, 1885.

Madras Act III of 1885.

Preamble.

WHEREAS it is expedient to amend the Madras Outports Landing and Shipping Fees Act, 1885; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Outports Landing and Shipping Fees (Amendment) Act, 1915.

---

[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 28th September 1915, p. 725. For Proceedings in Council *see ibid*, dated 18th January 1916, pp. 109–110.

Interpretation clause.

2. In this Act, "Section" means a section of the Madras Outports Landing and Shipping Fees Act, 1885. Madras Act III of 1885.

Amendment of section 4.

3. In the first sentence of section 4, the words "by the Governor in Council" shall be inserted between the words "fixed" and "from time to time" and the words "may be levied" shall be substituted for the words "shall be levied".

Addition of a proviso to section 4.

At the end of the same section, the following shall be added as a proviso :—

[*Vide p.* 377.]

MADRAS ACT No. II OF 1916.[1]

[THE MADRAS IRRIGATION CESS (AMENDMENT) ACT, 1916.]

[13*th June*, 1916.]

An Act to amend the Madras Irrigation Cess (Amendment) Act, 1913.

Preamble.

WHEREAS it is expedient to extend the period of operation of the Madras Irrigation Cess (Amendment) Act, 1913 ; It is hereby enacted as follows :— Madras Act II of 1913.

Short title.

1. This Act may be called the Madras Irrigation Cess (Amendment) Act, 1916.

Amendment of section 1.

2. In section 1 of the Madras Irrigation Cess (Amendment) Act, 1913, the year "1920" shall be substituted for the year "1916". Madras Act II of 1913.

MADRAS ACT No. III OF 1916[2].

[THE MADRAS CIVIL COURTS (AMENDMENT) ACT, 1916.]

[11*th July*, 1916.]

An Act to amend the Madras Civil Courts Act, 1873.

Preamble.

WHEREAS it is expedient to amend the Madras Civil Courts Act, 1873 ; It is hereby enacted as follows :— III of 1873.

Short title.

1. (1) This Act may be called the Madras Civil Courts (Amendment) Act, 1916.

Commencement.

(2) It shall come into force at once.

Amendment of section 12.

2. In the last sentence of section 12 of the Madras Civil Courts Act, 1873, the words "three thousand" shall be substituted for the words "two thousand five hundred." III of 1873.

---

[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 22nd February 1916, p. 307. For Proceedings in Council *see ibid*, dated 25th April 1916, pp. 612–616.

[2] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 12th October 1915, p. 731. For Proceedings in Council *see ibid*, dated 7th March 1916, pp. 356–360, and *ibid*, dated 30th May 1916, pp. 727–736.

MADRAS ACT No. V OF 1916.[1]

[THE MADRAS CITY CIVIL COURT AND PRESIDENCY SMALL CAUSE COURTS (AMENDMENT) ACT, 1916.]

[23*rd January*, 1917.]

An Act to amend the Presidency Small Cause Courts Act, 1882, and the Madras City Civil Court Act, 1892.

Preamble.

WHEREAS it is expedient to amend the Madras City Civil Court Act, 1892, and as to the Presidency of Madras the Presidency Small Cause Courts Act, 1882, in certain particulars, and whereas the previous sanction of the Governor-General required by section 79, sub-section (2), of the Government of India Act, 1915, has been obtained so to amend the said Acts; It is hereby enacted as follows:—

VII of 1892.

XV of 1882.

Short title.

1. This Act may be called the Madras City Civil Court and Presidency Small Cause Courts (Amendment) Act, 1916.

Institution in the Madras City Civil Court of certain suits cognizable by the Madras Small Cause Court.

2. Notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882, and the Madras City Civil Court Act, 1892, all suits cognizable by the Court of Small Causes of Madras whereof the amount or value of the subject-matter exceeds one thousand rupees may at the election of the plaintiff be instituted in the Madras City Civil Court which shall have jurisdiction to try and dispose of such suits according to the provisions of the Madras City Civil Court Act, 1892.

XV of 1882.

VII of 1892.

VII of 1892.

Removal of suits instituted in the Madras Presidency Small Cause Court to the High Court or to the Madras City Civil Court.

3. (1) Notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882, and the Madras City Civil Court Act, 1892, where an application is made to the High Court of Judicature at Madras under section 39 (1) of the Presidency Small Cause Courts Act, 1882, in any suit referred to therein, the High Court may either remove the suit to its own file or transfer the same to the Madras City Civil Court.

XV of 1882.

VII of 1892.

XV of 1882.

(2) Where a suit is ordered to be transferred as aforesaid to the Madras City Civil Court, the provisions of sub-sections (2), (3) and (4) of section 39 and of section 40 of the Presidency Small Cause Courts Act, 1882, shall, *mutatis mutandis* and subject to the pecuniary limits of the jurisdiction of the Madras City Civil Court, apply.

XV of 1882.

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 30th May 1916, p. 929. For Proceedings in Council, *see ibid*, dated 12th September 1916, pp. 939–945, and *ibid*, dated 9th January 1917, p. 129.

MADRAS ACT No. I OF 1917.[1]

[THE AGENCY TRACTS INTEREST AND LAND TRANSFER ACT, 1917.]

[*14th August*, 1917.]

An Act to regulate the rate of interest and the transfer of land in the Ganjam, Vizagapatam and Godavari Agency Tracts.

Preamble. WHEREAS it is expedient to limit the rate of interest and to check transfers of land in the Agency tracts of the Ganjam, Vizagapatam and Godavari districts; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Agency Tracts Interest and Land Transfer Act, 1917.

Definitions. **2.** In this Act unless there is anything repugnant in the subject or context—

(*a*) "Agency tracts" means the scheduled districts as defined in Acts XIV and XV of 1874 and included within the districts of Ganjam, Vizagapatam and Godavari.

(*b*) "Agent" means "Agent to the Governor" in the districts of Ganjam and Vizagapatam and "Government Agent" in the district of Godavari.

(*c*) "hill tribe" means any body or class of persons resident in the Agency tracts (not being a landholder as defined in the Madras Estates Land Act, 1908) that may from time to time be notified as such for the purposes of the Act by the Governor in Council.

(*d*) "immovable property" does not include standing timber, growing crops or grass.

(*e*) "prescribed" means prescribed by rules made under this Act.

(*f*) "transfer" means mortgage with or without possession, lease, sale, gift, exchange or any other dealing with property not being a testamentary disposition and includes a charge or any contract relating to immovable property.

Maximum interest that may be allowed as against a member of hill tribe. **3.** In any suit instituted after the commencement of this Act, notwithstanding any agreement to the contrary,

(*a*) Interest on any debt or liability shall not as against a member of a hill tribe be allowed or decreed at a higher rate than twenty-four per centum per annum nor shall any compound interest or any collateral advantage be allowed as against him;

---

[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, dated 10th October 1916, p. 953. For Select Committee's report *see ibid*, dated 27th February 1917, pp. 319–322. For the Bill as amended by the Select Committee *see ibid*, of the same date, pp. 323–324. For Proceedings in Council *see ibid*, dated 9th January 1917, pp. 130–140, and *ibid*, dated 10th July 1917, pp. 1099–1124.

(*b*) The total interest allowed or decreed on any debt or liability as against a member of a hill tribe shall not exceed the principal amount.

Transfer of immovable property by a member of a hill tribe.

4. (1) Notwithstanding any rule of law or enactment to the contrary, any transfer of immovable property situated within the Agency tracts by a member of a hill tribe shall be absolutely null and void unless made in favour of another member of a hill tribe, or with the previous consent in writing of the Agent or of any other prescribed officer.

(2) Where a transfer of property is made in contravention of sub-section (1), the Agent or any other prescribed officer may, on application by any one interested, decree ejectment against any person in possession of the property claiming under the transfer and may restore it to the transferor or his heirs.

(3) Subject to such conditions as may be prescribed, an appeal against a decree or order under sub-section (2) if made by the Agent shall lie to the Governor in Council and if made by any other officer shall lie to the Assistant Agent or to the Agent as may be prescribed.

Suits against a member of a hill tribe to be instituted in the Agency courts.

5. Notwithstanding the provisions of any law to the contrary, every suit against a member of a hill tribe instituted after the commencement of this Act shall be instituted only in the Courts of the Agency tracts.

Attachment of immovable property.

6. In execution of a money-decree against a member of a hill tribe, no immovable property owned by him within the Agency tracts shall be liable to be attached and sold except as and if prescribed.

Framing of rules.

7. (1) The Governor in Council may from time to time make rules to carry out the purposes of the Act.

(2) All rules made under this section shall be published in the *Fort St. George Gazette* and, on such publication, shall have the same effect as if enacted in this Act.

Savings.

8. (1) This Act shall not affect transfers made or debts or liabilities incurred before the coming into force of this Act.

Madras Act I of 1908.

(2) Nothing in this Act shall affect a landholder's right to proceed against the ryot in accordance with the provisions of the Madras Estates Land Act, 1908, or the first charge declared by section 5 of that Act, or the provisions of the said Act regarding relinquishment of a holding by a ryot.

MADRAS ACT No. I OF 1918.[1]

[THE MAPPILLA SUCCESSION ACT, 1918.]

[11*th June*, 1918.]

An Act to amend and define the law of intestate succession among Mappillas governed by the Marumakkattayam or the Aliyasantana Law of Inheritance.

Preamble. WHEREAS it is expedient to amend and define the rules of law applicable to intestate succession among Mappillas governed by the Marumakkattayam or the Aliyasantana Law of Inheritance ; It is enacted as follows :—

Short title. **1.** (1) This Act may be called the Mappilla Succession Act, 1918.

Local extent. (2) It extends to the whole of the Presidency of Madras.

Persons to whom this Act is applicable. (3) It applies to Mappillas domiciled in the Presidency of Madras who are governed by the Marumakkattayam or the Aliyasantana Law of Inheritance, and also, in respect of immovable property situated within the Madras Presidency, to Mappillas domiciled outside the said Presidency who are so governed.

Property in respect to which a deceased Mappilla is considered to have died intestate. **2.** A person is considered to die intestate in respect of all property of which he has not made a testamentary disposition capable of taking effect.

Explanation.—" Property " in this section does not include tarward property unless the person dying intestate was exclusively entitled to it.

Devolution of such property. **3.** Such property shall, notwithstanding any custom to the contrary, devolve upon his heirs in the order and according to the rules of Muhammadan Law.

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 21st March 1916, pp. 497–498, which was withdrawn : *see* p. 379 of *ibid*, dated 27th February 1917, and *ibid*, dated 10th April 1917, p. 526 for the Bill as amended. For Proceedings in Council *see ibid*, dated 26th March 1918, pp. 119–120, and *ibid*, dated 11th June 1918, pp. 433–434.

MADRAS ACT No. II OF 1918.[1]

[THE DODDAPPANAYAKKANUR AND VUYYURU IMPARTIBLE ESTATES ACT, 1918.]

[*29th October, 1918.*]

An Act to declare the Doddappanayakkanur and Vuyyuru estates to be impartible estates within the meaning of the Madras Impartible Estates Act, 1904 (Madras Act II of 1904).

Preamble.

WHEREAS it is expedient to declare that the Doddappanayakkanur and Vuyyuru estates are impartible and that their proprietors cannot exercise unrestricted powers of alienation in respect thereof; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Doddappanayakkanur and Vuyyuru Impartible Estates Act, 1918.

Doddappanayakkanur and Vuyyuru estates to be impartible estates within the meaning of the Madras Impartible Estates Act, 1904.

2. Notwithstanding any decision of courts, rule of law, or enactment to the contrary, the Doddappanayakkanur estate in the Madura district and the Vuyyuru estate in the Kistna district (including as appurtenant thereto the moiety of the Meduru estate now owned by the Vuyyuru proprietor) are hereby declared to be impartible estates within the meaning of the Madras Impartible Estates Act, 1904, and shall in the hands of their respective present owners as well as of their heirs and successors be subject to the provisions of that Act.

Savings.

3. This Act shall not affect any alienation made or debt incurred before the commencement of this Act.

THE MADRAS PREVENTION OF ADULTERATION ACT, 1918.

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 16th July 1918, p. 576. For Proceedings in Council, *see ibid*, dated 8th October 1918, pp. 744–751.

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SCHEDULE.

MADRAS ACT No. III OF 1918.[1]

[THE MADRAS PREVENTION OF ADULTERATION ACT, 1918.]

[*29th October, 1918.*]

Preamble.

WHEREAS it is expedient, in the interests of the public health, to prevent the adulteration of food; It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Prevention of Adulteration Act, 1918.

Short title and extent.

(2) This section extends to the whole of the Madras Presidency; the rest of the Act shall extend only to such local areas as the Local Government may by notification in the *Fort St. George Gazette* direct, and in respect either of all food or such as the Local Government may specify in the notification; and, if the Local Government so direct, only for the duration of any market, fair or festival or other large assembly of people.

Provided that such notification shall be made only after the local authority or authorities concerned have had an opportunity of expressing an opinion as to the necessity for such extension.

[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 12th March 1918, pp. 15–17. For Proceedings in Council *see ibid*, dated 11th June 1918, pp. 421–424 and *ibid*, dated 8th October 1918, pp. 731–744.

Interpretation clause.

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

"food" includes every article (other than drugs or water) used by man for food or drink, and all material used or admixed in the composition or preparation of such article and shall also include flavouring matter and condiments ;

[1]["Milk" means the normal clean secretion drawn from the udder of a healthy cow or buffalo either completely, or, after the first portion of such secretion has been drawn off, to completion.]

[1]["Cream" means that portion of milk rich in milk-fat which has risen to the surface of milk on standing and has been removed or which has been separated from milk by centrifugal force.]

"butter" and "cheese" mean respectively butter and cheese made exclusively from milk or cream or both with or without the addition of salt or other innocuous preservative, or of innocuous colouring matter ;

"ghee" means ghee prepared exclusively from butter made from cow's or buffalo's milk or cream or both ;

"prescribed" means prescribed by rules made under this Act ;

"public analyst" means any person appointed by or with the approval of the Local Government to exercise the powers of a public analyst under this Act ;

"local executive officer" means, in any municipality in which there is a commissioner, the commissioner ; in other municipalities, the president or chairman of the council ; and in or for other local areas, the president of the taluk board, or if there is no taluk board, the president of the district board, or if there is no taluk or district board, such public servant as may be designated by the Local Government for the exercise of the functions of a local executive officer under this Act.

Delegation of powers of local executive officers.

3. (1) The local executive officer may delegate his powers and duties under this Act to such persons and in such manner as may be prescribed.

(2) Every person to whom powers have been delegated under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

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[1] This definition was inserted by section 2 of the Madras Prevention of Adulteration (Amendment) Act, 1927 (Madras Act II of 1928).

Appointment of analyst.

4. (1) The local authority having control over any local area to which any provisions of this Act may be extended may, subject to the approval of Government, appoint a public analyst for such area.

(2) When no public analyst has been appointed under sub-section (1), the Local Government may appoint one for any one or more areas to which they have extended the provisions of this Act, and if local authorities have been constituted for such areas, may require such authorities to defray in whole or in part and in such proportions as the Local Government may determine, the expenses of and connected with the appointment of the analyst and of executing this Act.

(3) For the enforcement of a requisition made under sub-section (2) the Local Government shall have all such powers of control over every local authority as are given to them in respect of any similar matter by the Act under which such local authority is established.

Offences and exceptions.

5. (1) Every person who

(*a*) sells any food which is not of the nature, substance or quality of the article demanded by the purchaser ; or

(*b*) [1][manufactures, stores or offers for sale,] or hawks about or sells any food which is not of the nature, substance or quality which it purports, or is represented to be ; or

(*c*) abstracts from any food any part of it so as to affect injuriously the nature, substance or quality thereof with intent that it should be sold in its altered state without notice of the alteration, or sells any article so altered without making disclosure of the alteration ; or

[2][(*d*) offers for sale or hawks about or sells milk, cream, butter, ghee, cheese or any food which is not up to the standard of purity prescribed by the Local Government] ;

shall be punished for the first offence with fine which may extend to one hundred rupees and for every subsequent offence with fine which may extend to five hundred rupees :

Provided that in the following cases no offence under this section shall be deemed to have been committed :—

(i) where any innocuous material has been used or admixed in the composition or preparation of the

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[1] These words were substituted for the words "manufactures for sale or offers for sale" by section 3 (*a*) (i) of the Madras Prevention of Adulteration (Amendment) Act, 1927 (Madras Act II of 1928).

[2] Clause (*d*) was substituted by section 3 (*a*) (ii) *ibid.*

food to render the same fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or to conceal or debase the quality thereof ; or

(ii) where in the process of production, collection, preparation or conveyance of the food some extraneous material has unavoidably been admixed therewith ; or

(iii) where any innocuous material has been added or admixed or the article of food sold is not up to the standard of purity prescribed by the [1][Local Government], and before the sale the vendor has clearly brought the fact to the notice of the purchaser either by means of a label on or with the food or in such other manner as the Local Government may, by rule framed under section 20 of this Act, prescribe ; or

(iv) where the food is the subject of a patent in force and is supplied in the state required by the specification thereof.

(2) In every prosecution for an offence against this section, the court may presume that any food found in the possession of a person [2][who is in the habit of manufacturing or storing like articles for sale, has been manufactured or stored by such person for sale.]

Presumptions to be made and pleas to be disallowed or allowed.

6. (1) In every prosecution for an offence against the last preceding section, it shall be no defence to allege merely that the vendor was ignorant of the nature, substance or quality of the food sold by him or that the purchaser having bought only for analysis was not prejudiced by the sale.

Provided that the vendor shall not be deemed to have committed an offence under section 5, if he proves that the food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality, that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance or quality, and that he sold it in the same state as that in which he purchased it.

(2) Where an employer is charged with an offence under this Act, he shall be entitled on application duly made by him to have any other person whom he charges as the actual

[1] These words were substituted for the words "Governor in Council" by section 3 (*a*) (iii) of the Madras Prevention of Adulteration (Amendment) Act, 1927 (Madras Act II of 1928).

[2] These words were substituted for the words "who is in the habit of manufacturing like articles of food, has been manufactured for sale" by section 3 (*b*) *ibid.*

offender brought before the court at the time appointed for the hearing, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he used due diligence to enforce the execution of this Act and that the said other person committed the offence without his knowledge, consent or connivance, the said other person shall be convicted and the employer shall be acquitted.

Powers of local executive officers for purposes of inspection.

7. (1) The local executive officer may without notice enter any place where articles of food are being manufactured or exposed for sale at any time by day or night when the 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) No claim shall lie against any local authority or any person 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 an entry into any place under this section.

(3) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any food was not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or was not intended for human food, the burden of proof shall lie on the party so alleging.

Penalty for preventing inspection.

8. Every person who shall in any manner whatsoever prevent the local executive officer or person duly authorized by him exercising his powers under the last preceding section, shall be punished, where his act does not amount to an offence under the Indian Penal Code, with a fine which may extend to fifty rupees.

Power of local executive officer to seize adulterated food, etc.

9. If any article intended for food appears to the local executive officer to be adulterated or other than what it purports or is represented to be, or if any vessel or utensil used in manufacturing, preparing or containing such article appears to violate any rule made under section 20, he may seize or carry away or secure such article, utensil or vessel, in order that the same may be dealt with as hereinafter provided.

Penalty for removing or interfering with articles seized.

10. Every person who shall remove or in any way interfere with an article secured under the last preceding section shall be punished with fine which may extend to five hundred rupees.

Sample of articles seized to be sent to the public analyst.

11. When any article of food seized under section 9 appears to the local executive officer to be adulterated or other than what it purports or is represented to be, he shall forthwith send a sample of such article to the public analyst.

Production of articles, etc., seized before magistrate and powers of magistrate to deal with them.

12. (1) Articles of food or samples thereof, utensils, or vessels seized under section 9, shall, as soon as possible, be produced before a magistrate :

Provided that where a sample of an article has been sent to the public analyst the article or sample thereof may be produced before the magistrate after receipt of the public analyst's certificate.

(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 article is adulterated or other than what it purports or is represented to be, or any such utensil or vessel is of such kind or in such state as is described in section 9 he may order the same

(*a*) to be forfeited to the local authority, or

(*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.

Purchaser may have food analysed.

13. (1) Any purchaser of any article of food shall be entitled, if a public analyst has been appointed for the area within which such article is purchased, on payment of such fees as may be prescribed by the authority appointing the analyst, to have such article analysed by such public analyst and to receive from him a certificate of the result of his analysis.

(2) Before submitting such article to be analysed as aforesaid the purchaser shall notify to the seller his intention to have it so analysed ; and the public analyst on receiving such article for analysis shall divide it into three parts, of which one is to be analysed, another to be retained by him in order to be returned with his certificate and the third to be delivered on demand to the seller : provided that each part, other than the part analysed, shall be marked and sealed or fastened up in such manner as its nature permits.

Power of local executive officer to purchase samples for analysis.

14. (1) The local executive officer may purchase a sample of any article of food from any person exposing such article for sale or from any person who is in the course of delivering or preparing to deliver it to a purchaser or consignee, and may submit it to be analysed by the public analyst appointed for the area within which such sample has been procured.

(2) Every such person who refuses to sell such sample to the local executive officer or any person duly authorized by him at the price at which he usually sells the article shall be punished with fine which may extend to Rs. 100.

Procedure when article is purchased for analysis.

15. (1) When the local executive officer or any other person purchases a sample of food with the intention of submitting it to be analysed by the public analyst, he shall notify to the person from whom he has purchased the article his intention to have it analysed and shall divide it in three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature permits and shall deliver one of the said parts to the seller and retain another of the parts for production in case proceedings are taken and submit the third part, if he deems it right to have the articles analysed, to the public analyst.

(2) If the seller declines to accept one of the parts, the public analyst receiving a sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his certificate, to be delivered to the purchaser or to the local executive officer who shall retain it for production in case proceedings are taken.

Public analyst's certificate.

16. (1) Every public analyst to whom a sample has been submitted under this Act shall deliver to the person so submitting it a certificate in the form prescribed in the schedule to this Act, or to the like effect, specifying the result of his analysis.

(2) Any document purporting to be such certificate signed by a public analyst may be used as evidence of the facts stated therein in any proceedings under this Act or under sections 272 to 276 of the Indian Penal Code :

Provided that any court before which a case under this Act may be pending, whether exercising original, appellate or revisional jurisdiction, may in its discretion, at the request either of the accused or of the complainant, cause any article of food to be sent for analysis to the Chemical Examiner to Government or to any public analyst designated for the purpose by the Local Government, who shall thereupon analyse the same and report the result of such analysis to the said court : and the expense of such analysis shall be paid by the accused or the complainant, as the court may by order direct.

Jurisdiction of magistrates.

17. Third-class magistrates shall not try any offence under this Act unless they have been generally or specially empowered in this behalf by the Local Government.

Institution of proceedings in courts.

18. No prosecution under this Act shall be instituted except on the complaint of the purchaser or with the consent in writing of the local executive officer.

No proceedings to be instituted more than three months after the offence.

19. No prosecution under this Act shall be commenced after the expiry of three months after the commission of the offence.

[1][**20.** (1) The Local Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith. Power of Local Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules—

(*a*) prescribing the classes or qualifications of persons to whom, and the conditions on which, the local executive officer may, under section 3, delegate his powers ;

(*b*) determining the limits within which the local executive officer may exercise his powers, whether such limits are within or without the local area in respect of which he holds any public office ;

(*c*) prescribing in the interests of public health the state in which utensils and vessels used for manufacturing, preparing or containing any food intended for sale shall be kept, and prohibiting the use of utensils and vessels made, in whole or in part, of materials likely to injure such food ;

(*d*) prescribing the manner in which notice of any addition, admixture or deficiency shall be given to the purchaser of any article of food ;

(*e*) prescribing standards of purity for milk, cream, butter, ghee, cheese or any food and determining what deficiency in any normal constituent of any of these articles or what addition of any extraneous matter or proportion of water in any such article or any preparation of the same shall for the purposes of this Act raise a presumption until the contrary is proved, that the milk, cream, butter, ghee, cheese, or food is not genuine or is injurious to health ;

(*f*) prohibiting or regulating in the interests of public health

(i) the addition of water or other dilutent or adulterant to any food ;

(ii) the abstraction of any ingredient from any food ; and

(iii) the sale of any food to which such addition or from which such abstraction has been made or which has been otherwise artificially treated ;

(*g*) providing for the manner in which any receptacle containing dried, condensed, skimmed, or separated milk is to be labelled or marked ; and

[1] Section 20 was substituted by section 2 of the Madras Prevention of Adulteration (Amendment) Act 1932 (Madras Act, III of 1932).

(*h*) authorizing the persons taking samples of any food for the purpose of analysis under this Act to add preservatives to such sample for the purpose of maintaining it in a suitable condition for analysis and regulating the nature of such preservatives and the method of adding them.

(3) In making any rule under clauses (*c*), (*d*), (*f*) or (*g*) of sub-section (2), the Local Government may provide that a breach thereof shall be punishable

(*a*) in the case of a first conviction with fine which may extend to one hundred rupees ; and

(*b*) in the case of a subsequent conviction, with fine which may extend to five hundred rupees.

(4) All rules made under this section shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act.]

Power of local authorities to make by-laws.

21. Every local authority exercising control over any local area to which this Act has been extended may under the provisions respecting the making of by-laws of the Act under which such local authority is established, make by-laws not inconsistent with this Act or rules made under the last preceding section for all the purposes of this Act and in particular, without prejudice to the generality of the power hereby given, for the prevention of the manufacture or preparation for sale, the exposure for sale, or hawking about, or the sale of articles of food, which are adulterated or other than what they purport or are represented to be and the inspection and the regulation of places in which such articles are kept, stored, packed, cleansed, manufactured, prepared or exposed for sale, hawked about or sold.

22. The provisions of sections 2 to 21 of this Act shall be read as supplemental to the Act under which the local authority concerned is constituted.

SCHEDULE.

Form of certificate.

To *

I, the undersigned, public analyst for the do hereby certify that I received on the day of 19 from † a sample of for analysis (which then weighed ‡) and have analysed the same and declare the result of my analysis to be as follows :—

I am of opinion that the same is a sample of genuine

or

* Here insert the name of the person submitting the article for analysis.

† Here insert the name of the person delivering the sample. If the sample is received by post or by railway, entry should be made accordingly.

‡ When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

I am of opinion that the said sample contained the parts as under, or the percentages of foreign ingredients as under :—

* Observations.

Signed this day of 19 .

A.B. at

In the case of a certificate regarding milk, butter, ghee or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

MADRAS ACT No. I OF 1919.[1]

[THE KOODALMANICKAM DEVASWOM ACT, 1918.]

[*28th January*, 1919.]

An Act to provide for the management in certain circumstances of the properties vested in the Koodalmanickam Devaswom in Irinjalakuda in the Native State of Cochin.

WHEREAS provision has been made by a Proclamation issued by his Highness the Raja of Cochin on the 30th November 1917 for the better management of the Koodalmanickam Devaswom in Irinjalakuda in the Native State of Cochin ; and whereas under the said Proclamation it is provided that the Kaimal of the said Devaswom known as the Thachudaya Kaimal may, in case of misconduct, be deprived of the management of the properties of the Devaswom and a manager appointed ; and whereas the previous sanction of the Governor-General required by section 79, sub-sections (2) and (3) of the Government of India Act, 1915, has been obtained to the passing of this Act ; It is hereby enacted as follows :— Preamble.

1. This Act may be called the Koodalmanickam Devaswom Act, 1918. Short title.

2. The deprivation of the Kaimal by the controlling authority of the management of the properties of the said Devaswom and the appointment of a manager, as provided in the said Proclamation of His Highness the Raja of Cochin, shall be published in the *Fort St. George Gazette*. Deprivation of the Kaimal of the management of properties of the Devaswom and the appointment of a manager to be published in the *Fort St. George Gazette*.

* Here the analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article potable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

[1] For Statement of Objects and Reasons *see Fort St George Gazette*, dated 11th June 1918, p. 571. For Proceedings in Council *see ibid.* dated 28th January 1919, pp. 191–192.

Manager entitled to the possession and management of the properties of Devaswom.

3. Whenever the Kaimal for the time being of the said Devaswom is deprived of the management of the properties of the Devaswom and a manager is appointed, as provided by the said Proclamation, the manager so appointed shall, so long as the notification issued under section 2 remains in force, be entitled to the possession and management of all the properties of the Devaswom including all title-deeds and accounts and shall be entitled to recover them by suit, if necessary.

Manager to conduct suits relating to Devaswom property.

4. Every such manager shall, during his period of management, in all suits or proceedings in any civil or revenue court relating to any property of the Devaswom, sue or be sued as representing the Kaimal of the Devaswom.

MADRAS ACT No. II OF 1919 [1].

[THE MADRAS PORT TRUST AMENDMENT ACT, 1918.]

[*18th February*, 1919.]

An Act to amend the Madras Port Trust Act, 1905.

Preamble.

WHEREAS it is expedient to amend the Madras Port Trust Act, 1905; It is hereby enacted as follows :— Madras Act II of 1905

Short title.

1. This Act may be called the Madras Port Trust Amendment Act, 1918.

Interpretation clause.

2. In this Act the words "section" and "sub-section" shall, unless otherwise expressly stated, mean section or sub-section of the Madras Port Trust Act, 1905.

Amendment of section 7.

3. In section 7, sub-section (1), the following shall be inserted as clause (*a*) :—

[*Not printed. See page* 599.]

the existing clauses (*a*) to (*d*) being numbered as (*b*) to (*e*), respectively.

Amendment of section 9.

4. In section 9 the word "two" shall be substituted for the word "one" occurring in line 4.

Amendment of section 39.

5. In section 39, sub-section (4) shall be numbered as sub-section (3), sub-section (5) as sub-section (4), sub-section (3 as sub-section (5), and the following shall be added as sub section (6) :—

[*Not printed. See page* 609.]

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 5th March 1918, p. 6. For Proceedings in Council *see ibid.*, dated 8th October 1918, pp. 751–752 and *ibid*, dated 28th January 1919, pp. 192–195.

6. In section 39 the word "and" at the end of the existing clause (4) shall be omitted and it shall be inserted at the end of clause (5) as now re-arranged. Amendment of section 39.

7. In section 41 the following shall be added as sub-section (4) :— Amendment of section 41.

[*Not printed. See page* 610].

8. In section 44, sub-section (1), the words "and every statement of conditions" shall be inserted after the word "scale" in the first line. Amendment of section 44.

9. After section 44, the following shall be inserted as section 44-A — Insertion of a new section after section 44.

[*Vide page* 612].

10. In section 83 the words "at least" occurring in the third line shall be omitted. Amendment of section 83.

THE MADRAS AGRICULTURAL PESTS AND DISEASES ACT, 1919.

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MADRAS ACT No. III OF 1919.[1]

[THE MADRAS AGRICULTURAL PESTS AND DISEASES ACT, 1919.]

[29*th April*, 1919.]

An Act for the prevention of the spread of insect pests, plant diseases and noxious weeds.

Preamble. WHEREAS it is expedient to take measures to prevent the spread of insect pests, plant diseases and noxious weeds injurious to health or to crops, plants, trees or water-supply or obstructive to waterways within the Presidency of Madras ; It is hereby enacted as follows :—

PART I.

Preliminary.

Short title. **1.** This Act may be called "The Madras Agricultural Pests and Diseases Act, 1919."

Interpretation clause. **2.** In this Act unless there is anything repugnant in the subject or context—

"Insect pest" means any insect or other invertebrate animal which has been declared by notification under section 3 of this Act to be an insect pest ;

[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, Part IV, dated 21st May 1918, pp. 381–382. For Proceedings in Council, *see ibid*, dated 8th October 1918, pp. 756–762. For report of Select Committee, *see ibid*, dated 19th November 1918, pp. 877–878. For Proceedings in Council, *see ibid*, dated 15th April 1919, pp. 444–466, and *ibid*, dated 22nd April 1919, pp. 602–617.

"Plant disease" means any fungoid, bacterial, parasitical or other disease which has been declared by notification under section 3 of this Act to be a plant disease ;

"Noxious weed" means any weed which has been declared by notification under section 3 of this Act to be a noxious weed ;

"Plant" includes the fruit, leaves, bark, cuttings or any living portion of a plant but does not include the seed unless the seed has been especially included in the definition of plant by the Governor in Council by notification under this Act ;

"Occupier" means the person having for the time being the right of occupation of any land, premises, or water or his authorised agent or any person in actual occupation of the land, premises or water ; and includes a local authority and a railway or other company having such right of occupation or in such actual occupation ;

"Notified area" means the area covered by a notification published under section 3 ;

"Director of Agriculture" means an officer appointed by the Governor in Council to be the Director of Agriculture and includes every person who for the time being performs the duties of the office ;

"Prescribed" means prescribed by notification or rules made under this Act.

PART II.

Of insect pests, plant diseases and noxious weeds.

Notification by the Governor in Council of areas affected by insect pests, plant diseases or noxious weeds.

[1] **3.** [(1)] If the Governor in Council considers that any pest, disease or weed in any local area is dangerous to health or is injurious to crops, plants, trees or water-supply or is obstructive to waterways and that it is necessary to take measures to eradicate it or to prevent its introduction or reappearance, he may by notification in the *Fort St. George Gazette*—

(*a*) declare that such pest, disease or weed is an insect pest, a plant disease or a noxious weed,

(*b*) prohibit or restrict the removal of any plant from one place to another or prescribe such other preventive or remedial measures as may be necessary in respect of such pest, disease or weed, and

(*c*) define the local area within which and the period during which such notification shall be in force.

[1] Section 3 was renumbered as sub-section (1) of section 3 by section 2 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

[1][(2) Where the preventive or remedial measures prescribed in sub-section (1) include the removal or destruction of any plant in order to eradicate or prevent the introduction or re-appearance of any insect pest, such notification shall, prior to the date on which the notification shall come into force, be proclaimed in the local area defined in the notification in such manner as may be prescribed.]

Liability on the occupiers.

4. On the issue of a notification under section 3 every occupier within the notified area shall be bound to carry out the remedial and preventive measures prescribed in such notification.

Explanation.—For the purpose only of this section the Government shall be deemed to be the occupier in the case of all lands which are the property of Government within the meaning of section 2 (1) of the Madras Land Encroachment Act, 1905.

Right of entry.

5. Any officer appointed under section 19 may enter on any land or water within the notified area and take such action as may be necessary in order to ascertain—

(*a*) whether any insect pest, plant disease or noxious weed is there present ; and

(*b*) whether the prescribed remedial or preventive measures or both as the case may require have been taken.

Procedure where measures prescribed to eradicate insect pests include removal or destruction of plants.

[2][**5-A.** Where the remedial or preventive measures prescribed by a notification under section 3 include the removal or destruction of any plant in order to eradicate or prevent the introduction or re-appearance of any insect pest, any occupier who fails to remove such plant on or before the date specified in the notification shall be deemed to have committed an offence under this Act and the removal or destruction of such plant may be carried out by the inspecting officer or under his supervision.]

Inspecting officer may serve a notice on occupier to take remedial or preventive action.

6. (1)[3] [If any inspecting officer appointed under section 19 finds that any prescribed remedial or preventive measures other than those specified in section 5-A have not been properly carried out] he may, subject to such rules as the Governor in Council may prescribe under section 21 (*g*), call upon the occupier by notice in writing to carry out the prescribed remedial or preventive measures within a time to be specified in such notice.

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[1] Sub-section 2 was added by section 2 of the **Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).**

[2] Section 5-A was inserted by section 3 *ibid.*

[3] The words within square brackets in section 6 (1) were substituted for the words "If such inspecting officer finds that the prescribed remedial or preventive measures have not been properly taken" by section 4 *ibid.*

(2) The occupier may within seven days of the service upon him of such notice prefer an appeal to the prescribed officer who may make such order as he thinks fit. The decision on such appeal shall be final.

(3) The officer receiving the appeal may extend the time specified in the notice under sub-section (1).

Occupier failing to comply with the notice served on him commits an offence.

7. If any occupier upon whom notice has been served under section 6 fails to comply with the notice within the time specified by the inspecting officer or, in cases where an appeal has been preferred, by the prescribed officer on appeal, he shall be deemed to have committed an offence under this Act and the prescribed remedial or preventive measures may be carried out by the inspecting officer or under his supervision.

Recovery from the occupier of the cost of preventive or remedial measures carried out by the Inspecting officer.

8. (1) If any prescribed remedial or preventive measures are carried out by the inspecting officer [1] [under section 5-A or 7] the cost of such measures shall be recoverable from the occupier as if it were an arrear of land revenue, but such occupier may appeal to the Collector within thirty days from the date of demand on the ground that,

(*a*) charges for items other than cost of labour, material or use of implements have been included, or

(*b*) the charges for labour, material or use of implements are unduly high.

(2) The order of the Collector on such appeal shall be final.

Destruction of trees or plants in execution of remedial or preventive measures and compensation therefor.

9. (1) If in carrying out any prescribed remedial or preventive measures under [section 5-A or 7] [2] the inspecting officer destroys or causes to be destroyed

(*a*) any tree which is infected with the insect pest or plant disease, or

(*b*) any plants, not being trees, some or all of which are affected by the insect pest or plant disease but which are grown so closely together that it is not ordinarily practicable to treat each plant individually, or

(*c*) any plants including trees which, though not so infected, have in his opinion become liable to such infection,

he shall serve a notice in writing on the occupier stating particulars of the trees and plants destroyed and his estimate of their value.

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[1] The words and figures "under section 5-A or 7" were substituted for the words and figure "under section 7" by section 5 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

[2] The words and figures "section 5-A or 7" were substituted for the word and figure "section 7" by section 6 *ibid.*

(2) When any trees or plants are destroyed as aforesaid the occupier shall be entitled to compensation as follows :—

for a tree destroyed under sub-section 1 (*a*)—not exceeding one-half the value thereof;

for plants destroyed under sub-section 1 (*b*)—not exceeding two-thirds of the value thereof;

for plants destroyed under sub-section 1 (*c*)—their full value.

[1] [Provided that no compensation shall be payable for cotton plants the destruction of which has been prescribed in order to eradicate or prevent the introduction or re-appearance of any insect pest.]

(3) For the purposes of this section 'value' shall mean the value of the tree or plant at the time of its destruction.

Claims for compensation how and when to be made.

10. All claims for compensation under section 9 shall be made in writing to the valuing officer appointed by the Governor in Council within one month from the service of the notice mentioned in sub-section (1) of section 9.

Award of compensation.

11. (1) The valuing officer after making such inquiry and taking such evidence as he may consider necessary shall award compensation not exceeding the rates prescribed in section 9 and transmit or cause to be transmitted copies of his award in writing to the occupier and to the inspecting officer.

(2) The date within which and the officer before whom an appeal may be preferred shall be entered in the award.

Appeal against award.

12. Either the occupier or the inspecting officer may within thirty days of the date of receipt of the award prefer an appeal against such a ward to the prescribed officer whose decision shall be final.

Obligation of village officers to report on insect pests, plant diseases or noxious weeds.

13. Village officers of villages in taluks adjoining a notified area within whose village limits a pest, disease or weed similar to the insect pest, plant disease or noxious weed within the notified area shall appear, shall report the same to the Collector.

Punishment for offence under section 7.

14. Any one convicted by a magistrate of an offence under [2] [section 5-A or 7] of this Act shall be liable to fine not exceeding Rs. 50, or in default to simple imprisonment for a period not exceeding ten days.

Contravening notification under section 3 (*b*) to be an offence : and punishment therefor.

15. If any person contravenes a notification under section 3 (*b*) of this Act prohibiting or restricting the removal of any plant from one place to another he shall be deemed to have committed an offence under this Act. Any one convicted by

[1] The proviso was substituted by section 6 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

[2] The words and figures "section 5-A or 7" were substituted for the word and figure "section 7" by *ibid.*

a magistrate of such an offence shall, in addition to confiscation and destruction of the plant in respect of which the offence was committed, be liable to fine not exceeding Rs. 50, or in default to simple imprisonment for a period not exceeding ten days.

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Compensation to occupier for trees and plants destroyed.

16. Where an occupier destroys any trees or plants in obedience to a notice issued under section 6, he may be granted compensation in accordance with such rules as may be made under this Act.

Compensation not payable for noxious weed destroyed.

17. Notwithstanding anything in this Act, no compensation shall be payable for any noxious weed destroyed.

Institution of prosecutions or other legal proceedings under the Act.

18. (1) No suit, prosecution or other legal proceedings shall lie against any officer for anything done under this Act in good faith or for any damage to property caused by any action taken in good faith in carrying out the provisions of this Act.

(2) No prosecution under this Act shall be commenced without the previous sanction of the District Collector.

(3) No prosecution under this Act shall be commenced after six months from the date of the alleged offence.

Appointment of inspecting officers.

19. The Governor in Council may from time to time appoint inspecting officers for the purpose of carrying out the duties prescribed in sections 5 [5-A] [1] and 6.

Delegation of powers.

20. The Governor in Council may by notification in the *Fort St. George Gazette* delegate all or any of his powers under this Act except those conferred by sections 3 and 21 to the Director of Agriculture or any other officer or to any local authority or the president or chairman of any local authority.

Power to make rules.

21. The Governor in Council may by notification in the *Fort St. George Gazette* make such rules not inconsistent with the provisions of this Act as may from t me to time be necessary—

(*a*) including seed within the definition of a plant,

(*b*) prescribing the methods of publication of descriptions of insect pests, plant diseases and noxious weeds and of the treatment to be followed,

(*c*) prescribing the qualifications required of inspecting officers,

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[1] The figure and letter were inserted by section 8 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

(*d*) prescribing the procedure to be followed in making an award under section 11 and the methods and conditions of valuation of trees and plants,

(*e*) providing for payment of compensation under section 16 and for all matters connected therewith,

(*f*) prescribing the officers to whom appeals may be made, and the procedure to be followed in respect of such appeals,

(*g*) prescribing the procedure, notices and method of service thereof, notifications, registers and other processes needed for the effectual working of this Act, and

(*h*) generally to carry out the purposes of this Act.

MADRAS CITY MUNICIPAL ACT, 1919.

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MADRAS ACT IV OF 1919.[1]

[MADRAS CITY MUNICIPAL ACT, 1919.]

[*24th June*, 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

[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 23rd July 1918, pp. 678—680. For report of the Select Committee, *see ibid*, dated 14th January 1919, pp. 1–11. For Proceedings in Council, *see ibid*, dated 8th October 1918, pp. 762–778; *ibid*, dated 22nd April 1919, pp. 468–672; and *ibid*, dated 13th May 1919, pp. 748–797.

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.

Definition.

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."

[1][(6) "Carriage" means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin, but does not include any motor vehicle within the meaning of the Indian Motor Vehicles Act, 1914.]

"Cart."

[1][(7) "Cart" includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the Indian Motor Vehicles Act, 1914.]

"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.

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[1] Clauses (6) and (7) were substituted for the original clauses by amendment No. (1) of Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (**Madras Act III of 1931**).

"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 purpose 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 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.

[1][**12.** The commissioner shall be a whole-time officer of the corporation and shall not undertake any work unconnected with his office without the sanction of the Local Government and the corporation.]

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.

[1] This section was substituted for the original section 12 by section 2 of Madras Act III of 1923.

(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 [1][Governor 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

[1] These words were substituted for the words "Governor-General in Council" by India Act XXXVIII of 1920, Sch. I, Part III.

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 committees 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 committees.

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 [Mayor][1] 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.

[1] This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

(2) Every councillor shall have the right to interpellate the [Mayor][1] 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 [Mayor][1] 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 interest 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 [Mayor][1] 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 Mayor 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 [Mayor][1] and each standing committee shall at its first meeting after that date in each year elect one of its number to be its chairman.

[1] This word was substituted for the word " President " by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

Term of office of Mayor and chairman.

29. The [Mayor][1] 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 [Mayor][1] 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 Mayor and chairman.

30. An outgoing [Mayor][1] 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 [Mayor] 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 [Mayor][1] 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 [Mayor][1] 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 [Mayor][1] 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 [Mayor.][1]

Councillors to abstain from taking part

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

[1] This word was substituted for the word " President " by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

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. in discussion and voting on questions in which they are pecuniarily interested.

(2) The [Mayor][1] 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 [Mayor][1] or chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the [Mayor][1] 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.

35. (1) Any councillor other than the [Mayor][1] may resign his office by giving notice to the [Mayor][1]; the [Mayor][1] may resign by giving notice to the council. Power to resign.

(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 [Mayor][1].

36. (1) No act done or proceeding taken under this Act shall be questioned merely on the ground— Saving of validity of proceedings.

(*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 [2][*Mayor*].

37. The [Mayor][1] 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 [Mayor][1]. The [Mayor][1] 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. Prerogative of the Mayor.

[1] This word was substituted for the word " President " by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

[2] This word was substituted for the words " President of the Council " by section 3 *ibid.*

Mayor to be member of all committees.

38. The [Mayor][1] 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 :

[1] This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

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 [Mayor][1] 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

[1] This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

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.

General qualifications 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 [. . .][1] 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 a 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.

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[1] The words "with the sanction of the Governor-General in Council" were omitted by India Act XXXVIII of 1920, Sch. I, Part III.

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—

[1][*] the name of such person appears on the electoral roll of any one division of the city [* * *][1]

[1][* * * *]

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;

[1] In the original section 51 the letter and brackets '(*a*)' at the beginning and the semicolon and the word 'and' at the end of sub-section (*a*) and sub-section (*b*) were omitted by section 3 of Madras Act III of 1923.

(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 interest 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.

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

Procedure before Magistrate.

(*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 commi.ted.

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.

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. Order of disqualification.

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

Property.

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. Restrictions as to Esplanade.

(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 interest 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 or 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 of 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)[1] [The said officers shall be whole-time officers of the corporation and shall not undertake any work unconnected with their respective offices without the sanction of the corporation.].

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.

[1] This sub-section was substituted for the original sub-section (2) by section 4 of Madras Act III of 1923.

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 in Council][1]

[1] These words were substituted for the words "Governor General in Council" by India Act XXXVIII of 1920, Sch. 1, Part III.

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 [1][Governor 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 :

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[1] These words were substituted for the words " Governor General in Council " by India Act XXXVIII of 1920, Sch. I, Part III.

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 and duties.

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,

[1][* * * *]

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

[1][(*g*)] 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.

[1] Clause (*g*) was omitted and clause (*h*) was relettered as clause (*g*) by amendment No. (2) in Schedule I to the Madras Motor Vehicles Taxation Act. 1931 (Madras Act III of 1931).

(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 portion 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 transferer 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 reconstruction of building.

107. If any building is constructed or reconstructed, 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,[1] or any tax of the nature of a profession tax imposed under the Cantonments Act, 1910,[2] 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 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

[1] Now Madras District Municipalities Act, 1920 (Madras Act V of 1920).

[2] Now Cantonments Act, 1924 (Act II of 1924).

(*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 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,[1] 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;

[2][* * * * *]

[2](*g*) 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 exceed 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 person 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.

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[1] Now not in force.

[2] Clause (*g*) was omitted and clause (*h*) was relettered as clause (*g*) by Amendment No. (3) of Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

Provided that no municipal number shall be requisite in the case of carriages to which [1][. . .] 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.

[1] The words and figures "the Indian Motor Vehicles Act, 1914, or" were omitted by amendment No. (4) of Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

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, [1][. . .] 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 ;

[1] The word " motor-bicycle " was omitted by amendment No. (5) of Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

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.

[1][* *]

130, 131, 132, 133 & 134 [Omitted.]

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.

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[1] Sections 130 to 134 and the heading thereto were omitted by amendment No. (6) of Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

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. Audit of accounts.

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. Financial rules.

Loans.

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, [1][* * *] fees and dues authorized by or under this Act, any sums of money which may be required— Power of corporation to borrow money.

(*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 [2][* * *];

(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 [2][* * *];

[3][(iii) no loan exceeding in amount twenty-five lakhs of rupees shall be raised unless the terms, including the date of flotation, of such loan have been approved by 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

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[1] The word "tolls" was omitted by amendment No. (7) of Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[2] The words "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" were omitted by India Act XXXVIII of 1920, Sch. I, Part III.

[3] This was added by India Act XXXVIII of 1920, Sch. I, Part III.

(*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 [1][Governor 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 [1][Governor 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 [1][Governor 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.

[1] These words were substituted for the words "Governor-General in Council" by India Act XXXVIII of 1920, Sch. I, Part III.

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 [1][the Secretary to the Government of Madras, Finance Department] 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 loan 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,

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[1] These words were substituted for the words "the Chief Secretary, the Government of Madras" by section 2 of Madras Act IV of 1924.

(*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 of interest and re-payment of loans over other payment.

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 instalments of principal interest and 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 requirements 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 shallbe 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 conditons, 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.

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. **Vesting of works in corporation.**

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. **Construction of water-works.**

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. **Provision of gratuitous supply of drinking water.**

(2) The corporation shall, as far as possible, make adequate provision that such supply is continuous throughout the year.

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. **Trespass on water-supply premises.**

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 commisisoner 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 [1] [sixty] rupees.

(2) Whenever it appears to the commissioner that any dwelling-house assessed at an annual value of not less than [1][sixty] 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 [1][sixty] rupees which may be constructed or reconstructed 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.

[1] This word was substituted for the words " one hundred and twenty" by section 2, Madras Act VI of 1925.

(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, and 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 reconnecting 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.

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

Lighting.

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. Provision of lighting public street, etc

Public Drainage.

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. Vesting of drains in 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. Maintenance of system of drainage by the corporation.

Private Drainage.

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. Control over house-drains, privies and cess-pools.

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. Connexion of house-drains with public drains.

(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 reconstructed 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 of 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.,

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 : through private property subject to causing as little inconvenience as possible and paying for direct damage.

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.

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. Prohibition against making connexion without permission.

(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.

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

193. (1) The corporation shall not undertake new works beyond the limits of the city without the sanction of the Governor in Council. Powers of corporation in respect of works outside the city.

(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, depots 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 depot 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 depots 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 depots 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.

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.

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 195 or section 196 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 depot or place provided or appointed for the purpose under section 194 or otherwise than as laid down under section 196 or section 200.

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 194, or

(*b*) in any way contrary to any direction given under section 195.

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 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 side-drains, 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 ir 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 forward buildings 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.

Projected 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 commisioner 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 utilizes, 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 authorized 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.

Renewal 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 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.

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 hole and causing obstructions.

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 the 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 permisssion 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 may 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 commmenced 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 demoiish 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 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 inmate 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, verandah, 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, 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 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.

Powers 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 pit 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.

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. Lime-washing and cleansing buildings.

273. (1) Whenever the commissioner considers— Further powers with reference to insanitary buildings.

(*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 re-construction, 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.

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 Buildings unfit for human habitation.

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 sub-let, 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 remove 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.

Prohibition 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 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 steamboiler 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 fee

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 unauthorized places.

293. (1) The commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either w 'hin 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 work 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 air-tight 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 deceased 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 anything 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 power 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.

349. The council may make by-laws, not inconsistent with this Act or with any other law to provide— **Power of council to make by-laws.**

(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 [1] [and duties] 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, ashpits 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 ;

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1 These words were substituted for the words "duties and tolls" by amendment No. (8) of Schedule I to the Madras Motor Vechicles Taxation Act, 1931 (Madras Act III of 1931).

(*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, 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 ;

(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 of 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 dairyman 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 anected 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 of 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 requistion 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 of 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 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 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 work 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 principle 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. Wherein 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 complaint.

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, [1][**] 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 auction, 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

[1] The word "toll" was omitted by amendment No. (9) of Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

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.

398. Subject to the provisions of section 69, the commissioner may— Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

(*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.

402. It shall be the duty of every police officer— Duties of police officers.

(*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 ;

[1][(*c*)***]

and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

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. Power of police officers to arrest persons.

(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.

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. Exercise of powers of police officer by municipal servants.

[1] Clause (*c*) was omitted by amendment No. (10) of Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

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, [1][**] or fee, and every person employed by any such contractor or agent for the collection of such tax, [1][**] 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-courses (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

[1] The word "toll" was omitted by amendment No. (11) of Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

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.

413. [Omitted.][1]

SCHEDULE I.

ENACTMENTS REPEALED.

(*See* section 2.)

Year.	Number.	Short title.	Extent of repeal.
(1)	(2)	(3)	(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.

THE COUNCIL.

(*See* section 31.)

1. A general meeting of the council shall be held at the municipal office every month on such day and at such hours as the [Mayor][2] shall fix.

2. The [Mayor][2] 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 [Mayor], 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.

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[1] This section was omitted by section 5 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

[2] This word was substituted for the word "President" by section 2 *ibid.*

4. (1) The [Mayor][1] 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 [Mayor][1] is vacant the duties assigned to the [Mayor][1] 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 [Mayor][1] 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 [Mayor][1] 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 hours as the committee shall from time to time determine.

[1] This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

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 [Mayor][1] 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 [Mayor][2] 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.

(*See* section 72.)

AREAS AND BOUNDARIES OF THE ESPLANADE.

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 foot-path).—Bounded on the north by Fraser's Bridge road ; on the south by the General Hospital road ; on the east by

[1] This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

[2] This word was substituted for the words "president of the council" by section 4 *ibid.*

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* section 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 commisssioner 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 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[1] :—

Paid-up capital Lakhs of rupees.	Half-yearly tax. RS.
A. Twenty and more than twenty	1,000
B. Ten and more than ten, but less than twenty ..	500
C. Five and more than five, but less than ten ..	250
D. Three and more than three, but less than five ..	150
E. Two and more than two, but less than three ..	100
F. One and more than one, but 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 :

[1] This scale was substituted for the original scale by section 2 of Act VII of 1922.

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 minumum scale :—

TAX ON PERSONS HOLDING APPOINTMENTS OR EXERCISING PROFESSIONS, ARTS, TRADES, AND CALLINGS

	Half-yearly.			
	Maximum.		Minimum.	
	RS.	A.	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

	Half-yearly.	
	Maximum.	Minimum.
	RS. A.	RS. A.
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
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.)

[1]**10.** (1) The tax on carriages and animals shall be levied at rates not exceeding the following :

Tax on carriages and animals.	Maximum half-yearly tax.
	RS.
For every tram-car	50
For every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals	10
For every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals	5
For every bicycle or tricycle	2
For every other vehicle with springs or other appliances acting as springs 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
For every horse or mule under 12 hands	2
For every bull, bullock, male baffalo, ass or dog..	1

(2) 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 sub-rule (1), the said person, in case the replacement was due to the destruction of the carriage or the death of the animal and if he had possession, custody or control of the carriage or animal so replaced at the time of its destruction or death 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 the carriage which has been destroyed or the animal which has died and the carriage or animal replacing such carriage or animal have been kept during the half year.

[2][Part IV.—(Omitted.)]

11. [2][Omitted.]

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.

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[1] Rule 10 was substituted by amendment No. (12) of Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[2] Rule 11 and the headings thereto were omitted by amendment No. (13) *ibid.*

13. No application for revision under rule 12 shall be admitted —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.

[1][*Explanation.*—The preferring or pendency of an application for revision shall not

(*a*) bar the collection, or

(*b*) operate as a stay of proceedings to enforce the payment, of the assessment prevailing prior to the proposed enhancement or of any tax levied for the time.]

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 [2][and the tax has been paid within the said period.

Explanation.—In the case of a tax leviable by half-yearly instalments the requirements of clause (ii) as to payment of the tax shall be deemed to have been satisfied if the half-yearly instalment due under the order appealed against has been paid.]

(*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.

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[1] The word 'and' at the end of clause (*a*) (ii) and the whole of clause (*b*) with its proviso and explanation were omitted and this explanation was added by section 2 of Madras Act IV of 1921.

[2] This was added by section 3 *ibid.*

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 deposit 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 vegetation ; 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, redistribution 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 concern ;

(*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 ; [1][the purchase of provisions and other necessaries for sale to municipal subordinates.

Explanation.—'Salary' for the purpose of this rule shall include the privilege, if any, granted by the corporation of receiving payments in kind in lieu of the whole or a portion of the salary by purchasing articles from the corporation at such prices as the corporation may fix from time to time.]

(*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,

[1] This was added by section 4 (1) of Madras Act VII of 1922, and shall be deemed to have been in force from the first October 1919 by section 1 (2) *ibid.*

(*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 or 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 the diseased or infirm persons or the investigation of the causes of disease [1][or incur any other extraordinary charges].

PART II.

[2][**11.** All moneys received by the corporation shall be lodged in the Imperial Bank of India or with the sanction of the Local Government in any other bank and shall be credited to an account entitled the 'Municipal Fund Account':

Provided that any such moneys, may with the sanction of the Local Government—

(i) be invested in any of the securities specified in section 20 of the Indian Trusts Act, 1882, or in any other security which may be approved by the Local Government; or

(ii) be placed on a fixed deposit in the Imperial Bank of India or in any other bank approved by the Local Government.]

[1] These words were added by section 4 (2) of Madras Act VII of 1922 and shall be deemed to have been in force from the 1st October 1919 by section 1 (2) *ibid.*

[2] This rule was substituted by G.O. No. 4476, L. & M., dated the 11th November 1932.

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. (1) The commissioner shall submit all accounts to the auditors as required by them.

(2) The commissioner shall make ready the annual accounts and registers and produce them before the auditors for scrutiny not later than the first day of July in the year succeeding that to which such accounts and registers relate.

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 may disallow every item contrary to law and surcharge the same on the person making or authorizing the illegal payment; and may 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, either (*a*) 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 (*b*) in lieu of such application appeal to the Local Government who shall pass such orders as they think fit.

3. 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 Local Government against the decision ; and such sum if not so paid, or such sum as the court or the Local Government 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,
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,
catgut,
cotton, cotton refuse, cotton seed,
fat,
fins,
fish,
hair,
hides,
hoofs,
horns,
leather,
lime-shells,
manure,
meat,
offal,
oil,
oil-cloth,
pitch,
rags.
skins,
tallow,
tar,
turpentine,
wool,
coconut fibre,
flax,
hemp,
jute,
rosin,
spirits,
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 aerated 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).]

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
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 reconstruction of building.	Fifty rupees.
109	(1)	Failure of owner or occupier to furnish return of rent, etc.	One hundred rupees.
114	..	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.	Ten rupees.

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
122	(1)	Failure to obey order to affix and register number of carriage.	Ten rupees.
124	(1)	Failure of owner to register cart	Ten rupees.
,,	(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.	One hundred rupees.
[133][1]	..	* * * * *	
166	..	Trespassing on premises connected with water-supply.	Fifty 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.	Two hundred rupees.
180	1 (*b*)	Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain.	Fifty rupees.
181	..	Unlawful construction of building over public drain.	One hundred rupees.
182	..	Failure to obey requisition regarding culverts or to keep them free from obstruction.	Fifty 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 side 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.	One hundred rupees.
188	..	Failure to obey requisition to provide latrines for market, cattle-shed, 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.	Twenty rupees.
191	..	Making connexion with mains without permission.	Two hundred 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.	Ten 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.

[1] Item relating to section 133 was omitted by amendment No. 14 of Schedule 1 to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
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.
214	..	Unlawful displacement, etc., of payment 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 storing 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.

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
262	(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., tanks, 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 filthly 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 danger.	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.

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
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, fire-wood, or other combustible without licence or contrary to licence.	One hundred rupees.
293	(2)	Washing of clothes by washerman at unauthorized places.	Twenty rupees.
295	..	Use of place as slaughter-house without licence or contrary to licence.	Two hundred rupees.
297	..	Slaughter of animals for sale or food or skinning or cutting up carcasses 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.

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
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)	Using before obtaining certificate from health officer a public conveyance in which an infected person travelled.	Fifty rupees.
340	..	Letting or subletting of infected building without certificate from the health officer.	Two hundred rupees.
341	..	Failure to close place of public entertainment.	Two hundred rupees.
342	..	Sending infected child to school	Fifty rupees.
343	..	Use or permitting use of books from public or circulating library by infected person.	Fifty rupees.
345	..	Failure to give information of smallpox ..	Fifty rupees.
346	..	Entering city within forty days of inoculation for smallpox without certificate.	One hundred rupees.
356	(3)	Prevention of inspection of copies of rules and by-laws publicly exhibited.	Fifty rupees.
,,	(4)	Destruction, etc., of board exhibiting printed copies of by-laws and rules.	Fifty rupees.
365	(7)	Failure to produce licence on request	Ten rupees.
368	..	Failure to obey requisition to attend, produce document or give evidence.	One hundred rupees.
376	(1)	Failure of occupier to obey requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day.
406	..	Obstructing or molesting municipal contractors, etc.	Two hundred rupees.
407	..	Removing mark set up for indicating level, etc.	Two hundred rupees.
408	..	Removal, etc., of notice exhibited by or under orders of the corporation.	Fifty rupees.
409	..	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.
Schedule V, rule 18.		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).]

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
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.
,,	(2) & (3)	Failure to obey requisition as to house-drainage.	Ten rupees.
178	(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.

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
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.	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.
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.

MADRAS ACT No. V OF 1919.[1]

[An Act further to amend the Madras Outports Landing and Shipping Fees Act, 1885 (III of 1885), as amended by the Madras Decentralization Act, 1914 (VIII of 1914), and by the Madras Outports Landing and Shipping Fees (Amendment) Act, 1915 (I of 1916).]

[21*st October*, 1919.]

Preamble. WHEREAS it is expedient further to amend the Madras Outports Landing and Shipping Fees Act, 1885; It is hereby enacted as follows :—

Short title. **1.** This Act shall be called the Madras Outports Landing and Shipping Fees (Amendment) Act, 1919.

Interpretation clause. **2.** In this Act "section" means section of the Madras Outports Landing and Shipping Fees Act, 1885.

Omission of certain words and figures from the Principal Act. **3.** The following words and figures shall be omitted from the Madras Outports Landing and Shipping Fees Act, 1885, viz. :—

"Part I—Preliminary."

"Part II—Of the payment of Landing and Shipping fees."

"Part III—Penalties."

Substitution of new section for section 2. **4.** For section 2 the following shall be substituted :—

[*Vide p.* 376.]

Addition of a sub-section to section 3. **5.** In section 3, sub-sections (3) and (4) shall be renumbered as (4) and (5) and the following shall be inserted as sub-section (3) :—

[*Vide p.* 376.]

Amendment of section 3 (4) as renumbered. **6.** In section 3 (4) as renumbered, after the word "goods" wherever it occurs, the words "or drift" shall be added.

Amendment of section 3 (5) as renumbered. **7.** In section 3 (5) as renumbered, the following words shall be added, namely :—

[*Vide p.* 376.]

Amendment of section 4. **8.** In the first sentence of section 4, the words "passengers and" shall be inserted before the word "goods," and the words "carts, carriages, animals, baggage and other articles" shall be omitted.

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[1] For Statement of Objects and Reasons *see* page 964 of *Fort St. George Gazette*, Part IV, dated 10th December 1918; for Select Committee's Report *see ibid.*, dated 6th May 1919, pp. 677–678. For Proceedings in Council *see ibid.*, dated 27th May 1919, p. 880; and *ibid.*, dated 16th September 1919, pp. 1255–1256. For the assent of the Governor-General, *see ibid.* dated 21st October 1919, pp. 1259–60.

Amendment of proviso to section 4.

9. In the proviso to section 4, the words "passengers or" shall be inserted between the words "of" and "goods."

Amendment of section 6 (*a*).

10. In section 6 (*a*), after the word "goods" the words "or particular classes of goods" shall be inserted and the following words shall be added to the end of the clause, namely :—

[*Vide p.* 377.]

Addition of two clauses to section 6.

11. In section 6 the following new clauses shall be added after clause (*b*), namely :—

[*Vide p.* 377.]

Insertion of a new section.

12. Section 9 shall be renumbered as section 10 and the following words shall be added as section 9, namely :—

[*Vide p.* 378.]

Amendment of section 10 as renumbered.

13. For section 10 as renumbered the following section shall be substituted, namely :—

[*Vide p.* 378.]

MADRAS ACT No. VI OF 1919.[1]

[An Act to amend the Madras Civil Courts Act, 1873.]

[21*st October*, 1919.]

Preamble.

WHEREAS it is expedient to amend the Madras Civil Courts Act, 1873, and whereas the previous sanction of the Governor-General required by section 79, sub-section (2) of the Government of India Act, 1915, has been obtained to the passing of this Act, It is hereby enacted as follows :—

Short title.

1. (1) This Act may be called the Madras Civil Courts (Amendment) Act, 1919.

Commencement.

(2) It shall come into force at once.

Amendment of section 23.

2. (1) In section 23 of the Madras Civil Courts Act, 1873, the words "subject to such rules as the Local Government may prescribe" shall be inserted at the beginning.

(2) In the same section the word "control" shall be substituted for the words "approval or confirmation" wherever those words occur.

[1] For Statement of Objects and Reasons, *see* Part IV of the *Fort St. George Gazette*, dated 4th February 1919, p. 301. For Proceedings in Council, *see ibid.*, dated 16th September 1919, p. 1256.

MADRAS ACT No. VII OF 1919.[1]

[An Act to amend the Madras Forest Act, 1882.]

[21*st October*, 1919.]

Preamble. WHEREAS the appointment of a Chief Conservator of Forests for the Presidency of Madras has rendered it expedient to amend the Madras Forest Act, 1882; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Madras Forest (Amendment) Act, 1919.

Delegation of powers under the Madras Forest Act, 1882. **2.** Notwithstanding anything contained in the Madras Forest Act, 1882, the Governor in Council may delegate to the Chief Conservator of Forests, or to such other officer or authority as the Governor in Council may appoint, all or any of the powers which are conferred on, or may be delegated to, the Board of Revenue or other controlling revenue authority by or under the said Act.

MADRAS ACT No. I OF 1920.[2]

[An Act to amend the Malabar Land Registration Act, 1895.]

[13*th January*, 1920.]

Preamble. WHEREAS it is expedient to amend the Malabar Land Registration Act, 1895; It is hereby enacted as follows:— Madras Act III of 1896.

Short title. **1.** This Act may be called the Malabar Land Registration Amendment Act, 1920.

Amendment of section 14 of the principal Act. **2.** For section 14 of the Malabar Land Registration Act, 1895, the following shall be substituted:— Madras Act III of 1896.

[*Vide p.* 532.]

Insertion of a new section after section 21. **3.** The following shall be inserted as section 22 of the Act:—

[*Vide p.* 533.]

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 22nd July 1919, p. 1212. For Proceedings in Council *see ibid.*, p. 1257.

[2] For Statement of Objects and Reasons *see Fort St. George Gazette*, Part I, dated 3rd November 1919, p. 171. For Proceedings in Council *see ibid.*, dated 23rd December 1919, pp. 1367–1370.

MADRAS ACT No. II OF 1920.[1]

[An Act to amend the Madras Village Courts Act, 1888.]

[30*th March*, 1920.]

Preamble.

WHEREAS it is expedient to amend the Madras Village Courts Act, 1888; It is hereby enacted as follows :—

Madras Act I of 1889.

Short title.

1. This Act shall be called the Madras Village Courts (Amendment) Act, 1919.

Interpretation clause.

2. Unless otherwise expressly stated, the words "section," and "sub-section" in this Act, shall mean section and sub-section, respectively, of the Madras Village Courts Act, 1888.

Madras Act I of 1889.

Amendment of section 1 of the principal Act.

3. In sub-section (1) of section 1 all the words after the words "and shall come into force at once" shall be omitted.

Amendment of section 5.

4. (1) In section 5 for the definitions of "village court" and "village munsif" respectively, the following shall be substituted, namely :—

[*Vide p.* 442.]

(2) In the same section for the definitions of "District Judge" and "District Munsif," the following shall be substituted, namely :—

[*Vide p.* 442.]

(3) At the end of the same section the following definitions shall be added, namely :—

[*Vide p.* 442.]

"Panchayat."

5. For the words "bench of more than one judge" and the word "bench" wherever either expression occurs in the Madras Village Courts Act, 1888, the words "panchayat court" shall be substituted.

Madras Act I of 1889.

Amendment of section 6.

6. In section 6 the last sentence shall be omitted.

Amendment of section 7.

7. In section 7 for the words "of the district subject to such rules as the Governor in Council may from time to time prescribe" the words "in the manner prescribed" shall be substituted. In the same section before the words "village munsifs" the words "In villages where there are no panchayat courts" shall be inserted.

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, Part IV, dated 17th July 1917, pp. 1135–1136. For Report of the Select Committee, *see ibid.*, dated 25th March 1919, pp. 305–308. For Proceedings in Council, *see ibid.*, dated 29th December 1919, pp. 1220–1227, and *ibid.*, dated 23rd December 1919.

Amendment of section 8.

8. (1) In section 8 between the words "village munsif" and the words "for incapacity" the words "or a member of a panchayat court" shall be inserted; and for the words "village munsif" at the end of the first sentence, the words "village court" shall be substituted,

(2) In the second sentence of the same section for the words "suspending or removing a village munsif" the words "of suspension or removal" shall be substituted.

Substitution of a revised section for section 9.

9. For section 9 the following section shall be substituted, namely :—

[*Vide p.* 443–444.]

Amendment of section 13.

10. In section 13 for the words "rupees twenty" the words "rupees fifty" shall be substituted.

Amendment of section 15.

11. In section 15 for the words "court of the village munsif" the words "village court" shall be substituted.

Amendment of section 16.

12. In section 16 for the words "court of the munsif" the words "village court" shall be substituted and the section as so altered shall be numbered sub-section (1). The following shall be inserted as sub-section (2), namely :—

[*Vide p.* 445.]

Amendment of section 19.

13. In section 19 the words "under sections 13 and 15" shall be omitted.

Amendment of section 20.

14. In section 20 the proviso shall be omitted.

Insertion of a new section after section 20.

15. After section 20 the following section shall be inserted, namely :—

[*Vide p.* 446.]

Amendment of section 12.

16. Section 21 shall be numbered as sub-section (1) of section 21 and the following shall be added as sub-section (2), namely :—

[*Vide pp.* 446–447.]

Amendment of section 24.

17. In section 24 for the words "Any party to any suit before a village court may appoint by vakalatnama any person to appear and plead for him, but" the following words shall be substituted, namely :—

[*Vide p.* 447.]

Amendment of section 25.

18. In section 25 after the words "served on the defendant personally" the words "and his signature taken thereon" shall be inserted.

Amendment of section 26.

19. In section 26 after the words "evading service of the summons" the words "or has refused to affix his signature to the summons" shall be inserted.

20. In section 29 all the words that follow the words "on whose behalf it is issued" shall be omitted. Amendment of section 29.

21. In section 32 before the words "bring a fresh suit" the words "subject to the law of limitation" shall be inserted. Amendment of section 32.

22. In section 46 for the words "Each party shall be entitled to receive a copy of the decree upon application" the words "A copy of the decree shall then be delivered to each party in the prescribed manner" shall be substituted. Amendment of section 46.

23. In section 52 for the proviso the following shall be substituted, namely :— Amendment of section 52.

[*Vide p.* 452.]

24. In section 73 the words "or contrary to law" in the third item of the first sentence of the section shall be omitted. Amendment of section 73.

25. Nothing herein contained shall apply to suits pending at the commencement of this Act in the courts of village munsifs appointed under section 7. Suits pending at commencement of this Act.

26. The following chapters shall be added to the Madras Village Courts Act, 1888, namely :— Addition of two chapters to the principal Act.

Madras Act I of 1889.

CHAPTER VIII.

[*Vide pp.* 456-458.]

CHAPTER IX.

[*Vide pp.* 458-459.]

27. The enactments specified in the schedule hereto annexed are hereby repealed to the extent mentioned therein. Repeal.

SCHEDULE.

Number and year.	Subject.	Extent of repeal.
Madras Regulation V of 1816.	The Madras Village Panchayats Regulation, 1816.	The whole regulation.
Madras Regulation XI of 1816.	The Madras Village Police Regulation, 1816.	The last 45 words of clause first of section 10, i.e., the words beginning with "or if" and ending with the words "six hours."

MADRAS ACT No. IV OF 1920.

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MADRAS ACT No. IV OF 1920.[1]

[THE MADRAS CHILDREN ACT, 1920.]

[29*th June*, 1920.]

An Act to make further provision for the custody, trial, and punishment of youthful offenders and for the protection of children and young persons.

Preamble. WHEREAS it is expedient to provide further for the custody, trial, and punishment of youthful offenders and for the protection of children and young persons ; 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.

Preliminary.

Short title. **1.** (1) This Act may be called the Madras Children Act, 1920.

[2] [(2) The local Government may, by notification, from time to time, apply the whole or any portion of this Act to children, young persons or youthful offenders or any class thereof in any local area in the Presidency of Madras, from such date as may be specified in the notification and may cancel or modify any such notification.]

(3) [3] * * * *

[4] [**2.** In areas to which the provisions of this Act relating to youthful offenders have been applied to any class of them, the provisions of the Reformatory Schools Act, 1897, in respect of youthful offenders except section 15 to the extent they apply to such class shall cease to be in force.] Act VII of 1897.

Definitions. **3.** In this Act unless there is anything repugnant in the subject or context :

(1) " child " means a person under the age of fourteen years and when used in reference to a child sent to a certified school applies to that child during the whole period of detention, nothwithstanding that the child attains the age of fourteen years before the expiration of that period ;

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1 For Statement of Objects and Reasons, *see Fort St. George Gazette*, Part IV, dated 18th December 1917, pp. 1156–1158. For Report of Select Committee, *see ibid.*, dated 26th August 1919, pp. 1213–1216. For Proceedings in Council, *see ibid.*, dated 26th March 1918, pp. 308–316 and *ibid.*, dated 23rd December 1919, p. 1367 and *ibid.*, dated 8th June 1920, pp. 690–704.

2 This sub-section was substituted for the original sub-section by Madras Act I of 1924, section 2 (1).

3 This sub-section was omitted by Madras Act I of 1924, section 2 (2).

4 This section was substituted for the original by Madras Act I of 1924, section 3.

(2) "young person" means a person who is fourteen years of age or upwards and under the age of sixteen years;

(3) "youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment and who at the time of such conviction was under the age of sixteen years;

(4) "Guardian" in relation to a child, young person, or youthful offender includes any person who, in the opinion of the court having cognizance of any case in relation to the child, young person, or youthful offender, or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender;

(5) "certified school" means a school established or certified under this Act;

(6) "junior certified school" means a certified school for the training of children;

(7) "senior certified school" means a certified school for the training of youthful offenders;

(8) "prescribed" means prescribed by rules under this Act.

Powers of courts.

4. The powers conferred on courts by this Act shall be exercised only by—(*a*) the High Court, (*b*) a Court of Session, (*c*) a District Magistrate, (*d*) a Subdivisional Magistrate, (*e*) a salaried Presidency Magistrate, (*f*) any Juvenile Court constituted under section 36 and (*g*) any magistrate of the first or second class specially authorized by the local Government to exercise all or any of such powers

and may be exercised by such courts whether the case comes before them originally or on appeal.

Procedure when magistrate is not empowered to pass an order under this Act.

5. (1) When any magistrate not empowered to pass an order under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be committed to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child or young person to the District Magistrate or Subdivisional Magistrate to whom he is subordinate or to the magistrate presiding over the nearest juvenile court having jurisdiction in the case.

(2) The magistrate to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such order dealing with the case as he might have passed if the child or young person had originally been brought before or tried by him.

PART II.

Senior Certified and Junior Certified Schools.

Establishment and certification of schools.

6. (1) The local Government may establish and maintain senior certified and junior certified schools for the reception of youthful offenders and children.

(2) The local Government may certify that any senior certified or junior certified school not established under sub-section (1) is fit for the reception of youthful offenders or children.

Management of schools.

7. (1) For the control and management of every senior certified or junior certified school established under section 6, sub-section (1), a superintendent and a committee of visitors shall be appointed by the local Government and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.

(2) Every school certified under section 6, sub-section (2), shall be under the management of a governing body who shall be deemed to be the managers of the school for the purposes of this Act.

Inspection of schools.

8. (1) The local Government may appoint a chief inspector of certified schools and such number of inspectors and assistant inspectors as it thinks advisable to assist the chief inspector; and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the local Government directs but shall act under the direction of the chief inspector.

(2) Every certified school shall, at least once in every year, be inspected by the chief inspector of certified schools, or by an inspector or assistant inspector; provided that where any such school is for the reception of girls only and such inspection is not made by the chief inspector, the inspection shall where practicable be conducted by a woman.

Power of Inspectors.

9. A certified school shall be liable to inspection at all times and in all its departments by the chief inspector and by the inspector and assistant inspector.

Medical inspection.

10. Any registered medical practitioner empowered in this behalf by the local Government may visit any certified school at any time with or without notice to its managers in order to report to the chief inspector on the health of the inmates and sanitary condition of the school.

Power of Governor in Council to withdraw certificate.

11. The local Government, if dissatisfied with the condition, rules, management, or superintendence of a certified school, may at any time by notice served on the managers of the school declare that the certificate of the school is withdrawn as from a time specified in the notice, and at that time the withdrawal of the certificate shall take effect, and the school shall cease to be a certified school:

Provided that the local Government may, if it thinks fit, instead of so withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of youthful offenders or children to the school for such time as may be specified in the notice or until the notice is revoked.

Resignation of certificate by managers.

12. The managers of a certified school may on giving six months' notice in writing to the local Government through the chief inspector of their intention so to do, resign the certificate of the school, and accordingly at the expiration of six months from the date of the notice (unless before that time the notice is withdrawn) the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

Effect of withdrawal or resignation of certificate.

13. A youthful offender or child shall not be received into a certified school in pursuance of this Act after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate ; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe, and feed any youthful offenders or children detained in the school at the respective dates aforesaid shall, except so far as the local Government otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

Disposal of inmates on withdrawal or resignation of certificate.

14. When a school ceases to be a certified school, the youthful offenders or children detained therein shall be either discharged or transferred, by order of the local Government, to some other certified school in accordance with the provisions of this Act relating to discharge and transfer.

Auxiliary homes.

15. The local Government may establish auxiliary homes for the reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore or hereafter established by any other persons, and the certificate may be withdrawn or resigned in like manner as a certificate of a school, and every such home shall, for such purposes as are specified by the local Government, be treated as part of the school or schools to which it is attached.

Liabilities of managers.

16. The managers of a certified school not established by the local Government may decline to receive any youthful offender or child proposed to be sent to them in pursuance of this Act, but when they have once accepted any such offender or child, they shall be deemed to have undertaken to teach, train, lodge, clothe, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.

Inspection of uncertified poor schools and institutions.

17. (1) The local Government may cause any institution for the reception of poor children or young persons supported wholly or partly by voluntary contributions, and not liable to

be inspected by or under the authority of any Government department, to be visited and inspected from time to time by persons appointed by it for the purpose.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all papers, registers, and accounts relating thereto. Any person who obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the local Government shall, if so desired by the managers of the institution, appoint, where practicable, a person of that denomination to visit and inspect the institution.

(4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

PART III.

Youthful Offenders.

Bail of children and young persons arrested.

18. Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought shall release him on bail if sufficient surety is forthcoming, unless for reasons to be recorded in writing the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reputed criminal.

Custody of children and young persons not discharged on bail after arrest.

19. Where a person apparently under the age of sixteen years having been arrested is not released under section 18 or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner, until he can be brought before a court.

Remand or committal to custody.

20. A court, on remanding or committing for trial a child or young person who is not released on bail, shall order him to be detained in the prescribed manner.

Attendance at court of parent of child or young person charged with an offence, etc.

21. (1) Where a child or young person is charged with any offence, or where a child is brought before a court on an application for an order to send him to a junior certified school, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard

during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person :

Provided that if that person is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

Sentences that may not be passed on a child.

22. Notwithstanding anything to the contrary contained in any law no child or young person shall be sentenced to death, transportation or imprisonment or committed to prison in default of payment of a fine or in default of furnishing security :

Provided that a young person may be sentenced to imprisonment or committed to prison as aforesaid where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a senior certified school and that none of the other methods in which the case may legally be dealt with is suitable.

Commitment of offenders between twelve and sixteen years of age to certified schools.

23. (1) Where any person, who in the opinion of the court before which he is charged is twelve years of age but less than sixteen years of age, is convicted of an offence punishable with transportation or imprisonment, the court may, in addition to or in lieu of sentencing him according to law to any other punishment, order that he be sent to a senior certified school.

(2) Where a child apparently under the age of twelve years is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on inquiry that it is expedient so to deal with the child, may order him to be sent to a junior certified school.

(3) Where a child, apparently of the age of twelve or thirteen years, is found to have committed an offence punishable with transportation or imprisonment, and the court is satisfied on enquiry that the child should be sent to a certified

school but, having regard to the special circumstances of the case, should not be sent to a senior certified school, and is also satisfied that the character and antecedents of the child are such that he will not exercise an evil influence over the other children in a junior certified school, the court may order the child to be sent to a junior certified school having previously ascertained that the managers are willing to receive the child.

Provided that the local Government may, on application of the managers of the junior certified school, by order transfer the child to a senior certified school.

(4) Where a child or young person has been ordered by a court to give security under section 106 or section 118 of the Code of Criminal Procedure, 1898, and has failed to do so, the court which passed the order may order such child or young person to be sent to a junior certified school or a senior certified school respectively.

(5) Where prior to the commencement of this Act a youthful offender has been sentenced to transportation or imprisonment, the local Government may direct that in lieu of undergoing or completing such sentence, if under the age of sixteen years, he shall be sent to a senior certified school; and thereupon the offender shall be subject to all the provisions of this Act as if he had been originally sentenced to detention in a senior certified school.

Period of detention.

24. The order in pursuance of which the youthful offender or child is sent to a certified school shall specify the time for which the youthful offender or child is to be detained in the school, being—

(*a*) in the case of a youthful offender sent to a senior certified school, not less than two and not more than five years but not in any case extending beyond the time when the youthful offender will, in the opinion of the court, attain the age of eighteen years; and

(*b*) in the case of a child sent to a junior certified school, such time as to the court may seem proper for the teaching and training of the child, but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of sixteen years.

Power to discharge youthful offender or to commit him to suitable custody.

25. A court may, if it shall think fit, instead of directing any youthful offender to be detained in a certified school, order him to be—

(*a*) discharged after due admonition, or

(*b*) committed to the custody of his parent or guardian or any adult relative, on such parent, guardian or relative executing a bond, with or without sureties,

as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months,

and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

Power to order parent to pay fine, etc., instead of child or young person.

26. (1) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the offender is a child. order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

Detention in the case of certain crimes committed by children or young persons.

27. (1) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provisions of this Act it is authorized to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the local Government.

(2) Notwithstanding the provisions of section 22, the local Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody :

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

Methods of dealing with children and young persons charged with offences.

28. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

(*a*) by discharging the offender after due admonition ; or

(*b*) by committing the offender to the custody of his parent, guardian, or any adult relative, on such parent, guardian, or relative executing a bond to be responsible for his good behaviour ; or

(*c*) by so discharging or committing the offender and placing him under the supervision of a person named by the court ; or

(*d*) by sending the offender to a junior certified school ; or

(*e*) by sending the offender to a senior certified school ; or

(*f*) by ordering the offender to be whipped ; or

(*g*) by ordering the offender to pay a fine ; or

(*h*) by ordering the parent or guardian of the offender to pay a fine ; or

(*i*) where the offender is a young person, by sentencing him to imprisonment ; or

(*j*) by dealing with the case in any other manner in which it may legally be dealt with :

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

PART IV.

Children and Young Persons not being youthful offenders.

Children liable to be sent to junior certified schools.

29. (1) In any area to which the local Government shall direct that this section shall apply, any person authorized in this behalf in accordance with rules made by the local Government may bring before a court any person apparently under the age of fourteen years who—

(*a*) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship ; or

(*b*) is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing transportation or imprisonment ; or

(*c*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child ; or

(*d*) frequents the company of any reputed thief; and the court before which a person is brought as coming within one of those descriptions, if satisfied on inquiry of that fact, and that it is expedient so to deal with him, may order him to be sent to a junior certified school.

Power to commit child to suitable custody.

(2) Where under this Act a court is empowered to order a child to be sent to a junior certified school, the court, in lieu of ordering him to be so sent, may make an order for the committal of the child to suitable custody in the prescribed manner until he attains the age of sixteen years, or for any shorter period.

Power to commit young person to care of relative or fit person in certain cases.

(3) Any police officer or other person authorized by the local Government in this behalf may bring before a court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in sub-section (1) and the court if satisfied on inquiry of that fact and that it is expedient so to deal with him, may make an order for his committal to suitable custody in the prescribed manner until he attains the age of sixteen years, or for any shorter period.

(4) The court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

Uncontrollable children.

30. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a junior certified school the court, if satisfied on inquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

Part V.

Maintenance and Treatment of Persons sent to certified schools or committed to suitable custody.

Contribution of parent.

31. (1) The court which makes an order for the detention of a youthful offender or child in a certified school or for the committal of a child or young person to suitable custody under this Act may make an order on the parent or other person liable to maintain the youthful offender, child or young person to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) Any order made under this section may from time to time be varied by the court.

(3) The persons liable to maintain a youthful offender, child or young person shall for the purposes of sub-section (1) include in the case of illegitimacy his putative father :

Provided that where the youthful offender, child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the youthful offender, young person or child.

(4) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.

Boarding out of children.

32. The managers of a junior certified school to which a child under the age of eight years is sent may, with the consent of the chief inspector, board the child out with any suitable person until the child reaches the age of ten years and thereafter for such longer period, with the consent of the chief inspector, as the managers consider to be advisable in the interests of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed ; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the local Government.

Placing out on licence.

33 (1) Where a youthful offender or child is detained in a certified school, the managers of the school may at any time with the consent of the chief inspector, or after the expiration of eighteen months of the period of detention without any such consent, by licence permit the youthful offender or child on the conditions prescribed in this behalf to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him.

(2) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The managers of the school may at any time by order in writing revoke any such licence, and order the youthful offender or child to return to the school and shall do so at the desire of the person with whom the youthful offender or child is licensed to live. If the youthful offender or child refuses or fails to return to the school, the managers of the school may, if necessary, arrest or cause to be arrested the youthful offender or child and take him or cause him to be taken back to the school.

(4) When a licence has been revoked or forfeited and the youthful offender or child refuses or fails to return to the school, a court, if satisfied by information on oath that there is reasonable ground for believing that his parent or guardian could produce the youthful offender or child, may issue a summons requiring the parent or guardian to attend at the court on such a day as may be specified in the summons, and to produce the child, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punishable with a fine not exceeding fifty rupees. Power to order parent to produce a youthful offender or child who refuses to return to a school when licence has been revoked.

(5) Where a parent or guardian is directed to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

(6) The time during which a youthful offender or child is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school: Provided that, where a youthful offender or child has failed to return to the school on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

34. Whoever— Penalty for abetting escape of youthful offender or child.

(*a*) knowingly assists or induces directly or indirectly a youthful offender or child detained in or placed out on licence from a certified school to escape from the school or from any person with whom he is placed out on licence; or any child or young person to escape from the person to whose custody he is committed under the provisions of this Act;

(*b*) knowingly harbours, conceals, or prevents from returning to school, or to any person with whom he is placed out on licence, or to the person to whose custody he is committed under this Act, a youthful offender, child or young person who has so escaped, or knowingly assists in so doing

shall be punishable with imprisonment for a term which may extend to two months or with a fine not exceeding two hundred rupees, or with both.

35. (1) The local Government may at any time order a youthful offender or a child to be discharged from a certified school, either absolutely or on such conditions as the local Government approves. Discharge and transfer

[1][(2) The local Government may order

(*a*) a youthful offender under the age of fourteen years detained in a senior certified school to be transferred to a junior certified school;

[1] Sub-sections (2), (3) and (4) were substituted for the original sub-section (2) by Madras Act VI of 1928, section 2.

(*b*) a youthful offender or child to be transferred from one senior certified school to another, or from one junior certified school to another ;

(*c*) a child over the age of twelve years detained in a junior certified school to be transferred to a senior certified school,

(i) when such transfer is for the welfare of the child, or

(ii) when the child is found to be exercising an evil influence over any other child or children in the school or is guilty of a serious breach of the rules of the school or of escaping from the school ;

(*d*) a youthful offender over the age of fourteen years detained in a junior certified school to be transferred to a senior certified school when a majority of the other children in the junior certified school are much below his age, or when there is not sufficient accommodation in the junior certified school ;

(*e*) a youthful offender over the age of sixteen years detained in a senior certified school to be transferred to a Borstal school established under the Madras Borstal Schools Act, 1925, in the interest of discipline or for other special reasons.] Madras Act V of 1926.

[1][(3) Upon the transfer of a youthful offender to a Borstal school under clause (*e*) of sub-section (2) above, the provisions of the Madras Borstal Schools Act, 1925, shall apply to such offender as if he had been originally sentenced to detention in a Borstal school under that Act.] Madras Act V of 1926.

[1][(4) The total period of detention of the youthful offender or child shall not be increased by any transfer under this section.]

PART VI.

Juvenile Courts.

Juvenile Courts.

36. (1) The local Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders or licences relating to a child or young person at which the attendance of the child or young person is required.

(2) Where no such separate court has been established the court before which a child or young person is brought shall unless the child or young person is tried jointly with any other person not being a child or young person, whenever

[1] Sub-sections (2), (3) and (4) were substituted for the original subsection (2) by Madras Act VI of 1928, section 2.

practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

Part VII.

Miscellaneous.

Presumption and determination of age.

37. (1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it is of the age of sixteen years or upwards, the person shall for the purposes of this Act be deemed not to be a child or young person.

(2) No court shall in appeal or revision interfere with any presumption or declaration as to age made under sub-section (1).

Provision as to religious persuasion.

38. (1) In determining the certified school to which a youthful offender or child is to be sent under this Act, the court shall endeavour to ascertain the religious persuasion to which the youthful offender or child belongs and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) Where a child or young person is committed to suitable custody under this Act, the court in determining the person to whose custody the child or young person shall be committed shall endeavour in like manner to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion, or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion.

Removal of disqualification attaching to convictions of offences.

39. The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

Control of custodian over a child.

40. Any person to whose custody a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent, and shall be responsible for his

maintenance, and the child or young person shall continue in his custody notwithstanding that he is claimed by his parent or any other person.

Bonds taken under the Act.

41. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

42. (1) An appeal from an order made by a court under sections 26, 29, 30, 31 or 33 shall lie,

(*a*) if passed by a juvenile court or by any Magistrate other than a District or a Presidency Magistrate, to a District Magistrate ;

(*b*) if passed by a District Magistrate, to the Court of Sessions ;

(*c*) if passed by a Court of Sessions or a Presidency Magistrate, to the High Court.

(2) No appeal shall lie from any order passed in any such appeal.

(3) Any order passed under the provisions of this Act and not otherwise provided for may be revised[1] by the High Court.

43. (1) With the previous sanction of the local Government in each case the managers of senior certified schools may receive, if and as prescribed, youthful offenders ordered to be sent to a senior certified school by any court or tribunal in the territories of any State in India.

(2) The local Government may order any youthful offender to be transferred from any senior certified school in the Madras Presidency to any senior certified school within the territories of any State in India when there is any arrangement in that behalf between such State and the Governor-General in Council.

Rules.

44. (1) The local Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such rules may be made with regard to—

(*a*) the establishment and maintenance of certified schools and auxiliary homes and the certification of schools as senior and junior certified schools and of auxiliary homes ;

(*b*) the management of certified schools and auxiliary homes ;

(*c*) the appointment of visitors and their tenure of office ;

(*d*) the inspection of certified schools ;

(*e*) the maintenance, education and industrial training of the inmates of certified schools ;

[1] *See* Act XXXV of 1925.

(*f*) the conveyance of youthful offenders and children to certified schools;
(*g*) the grant of permission to the inmates of certified schools to absent themselves for short periods;
(*h*) visits to and communication with the inmates of certified schools;
(*i*) the punishment of offences committed by the inmates of certified schools;
(*j*) the inspection of uncertified institutions under section 17;
(*k*) the class of persons who may be authorized to act under section 29 (1);
(*l*) the manner in which a child or young person may be committed to suitable custody and the supervision of such children and young persons;
(*m*) the contribution by parents and other persons liable to maintain children and young persons;
(*n*) the boarding out, licensing and supervision of children and young persons;
(*o*) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court;
(*p*) the time within which appeals under section 42 shall be filed;
(*q*) the detention of children and young persons under arrest or remanded or committed for trial; and
(*r*) the procedure to be adopted in juvenile courts.

(3) All rules made under sub-section (2) (*q*) and (*r*) shall be subject to the previous approval of the Governor-General in Council.

(4) All rules made under this section shall be published in the local official gazette and, on such publication, they shall have the same effect as if enacted in this Act.

THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920

MADRAS ACT No. V OF 1920.

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MADRAS ACT No. V OF 1920.[1]

[*29th June*, 1920.]

An Act to consolidate and amend the law relating to District Municipalities.

WHEREAS it is expedient to consolidate and amend the law relating to district municipalities in the Presidency of Madras and whereas the previous sanction of the Governor-General has been obtained under section 79 of the Government Preamble.

[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, Part IV, dated 3rd November 1919, pp. 168–170. For Report of Select Committee, *see ibid*, dated 10th February 1920, pp. 99–275. For Proceedings in Council, *see ibid*, dated 23rd December 1919, pp. 1370–1378; 6th January 1920, pp. 2–11; 18th May 1920, pp. 528–563 and 566–606; and 1st June 1920, pp. 608–690 and 805–819.

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 District Municipalities Act, 1920.

[1][(2) It extends to the whole of the Presidency of Madras, except 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—

'Adi-Dravida.'

[2][(1) 'Adi-Dravida' means any person professing the Hindu religion and belonging to any of the following communities, namely, the Paraiyans, Pallans, Valluvans, Malas, Madigas, Chakkiliyans, Tottiyans, Cherumans and Holeyas, or to any other community that may be prescribed;

'Anglo-Indian.'

(1-A) 'Anglo-Indian' means any person not being a European who is—

(i) of European descent in the male line, or

(ii) of mixed Asiatic and non-Asiatic descent whose father, grandfather or more remote ancestor in the male line was born in the continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America.]

'Appoint.'

[3][(1-B)] 'Appoint' includes to appoint temporarily or in an officiating capacity.

'Appointment.'

(2) 'Appointment' includes temporary and officiating appointments.

'Building.'

(3) '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.'

(4) '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.

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[1] This was substituted for the original sub-section by section 3 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] Clauses (1) and (1 A) were inserted by section 4 (i) *ibid.*

[3] Clause (1) of the original section was renumbered as clause (1-B) by section 4 (i) *ibid.*

[1][(5) 'Carriage' means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin, but does not include any motor vehicle within the meaning of the Indian Motor Vehicles Act, 1914.] 'Carriage.'

[1][(6) 'Cart' includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the Indian Motor Vehicles Act, 1914.] 'Cart.'

(7) 'Casual vacancy' means a vacancy occurring otherwise than by efflux of time [2][. . .] and 'casual election' means an election held on the occurrence of a casual vacancy. 'Casual election.'

[3][(8) 'Company' means a company as defined in the Indian Companies Act, 1913, or formed in pursuance of an Act of Parliament or of Royal Charter or Letters Patent, or of an Act of the Legislature of a British Possession and includes any firm or association carrying on business in the Presidency of Madras whether incorporated or not and whether its principal place of business is situated in the said Presidency or not.] 'Company.'

[4][(8-A) 'Election authority' means such authority not being the chairman or vice-chairman or a councillor as may be prescribed.] 'Election authority.'

[4][(8-B) 'European' means any person of European descent who either was born in or has a domicile in the United Kingdom or in any British Possession or in any State of India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile.] 'European.'

[5][8-C) 'Executive authority' means— 'Executive authority.'

(i) in the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12-C, the commissioner, or if there is no commissioner in charge, the chairman; and

(ii) in the case of other municipalities, the chairman.

Explanation.—A commissioner shall be deemed to be in charge when he is absent on casual leave.]

(9) 'Filth' includes sewage, nightsoil, dung, dirt, putrid and putrifying substances and all offensive matter. 'Filth.'

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[1] These clauses were substituted for the original clauses by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[2] The words 'in the office of an elected councillor, vice-chairman or chairman' were omitted by section 4 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] This clause was substituted for the original clause by section 4 (iii) *ibid.*

[4] These clauses were inserted by section 4 (iv) *ibid.*

[5] This clause was substituted by section 2 of the Madras District Municipalities (Amendment) Act, 1935 (Madras Act XVIII of 1935).

'Hill-station.' (10) 'Hill station' means a place specified in Schedule II and includes any other place which may be notified by the [1][Local Government] as a hill-station.

'Hut.' (11) '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.

'Indian Christian.' [2][(11-A) 'Indian Christian' means a native of India who is, or in good faith claims to be, of unmixed Asiatic descent and who professes any form of the Christian religion.]

'Latrine.' (12) 'Latrine' includes privy, water-closet and urinal.

'Legislative Council.' [(12-A) 'Legislative Council' means the Legislative Council of the Governor of Madras.]

'Local authority.' [(12-B) 'Local authority' includes a cantonment authority.]

'Municipal office.' (13) 'Municipal office' means the principal office of any municipal council.

'Nuisance.' (14) 'Nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property.

'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 vacancy.' 'Ordinary election.' [4][(16) 'Ordinary vacancy' means a vacancy occurring by efflux of time and 'ordinary election' means an election held on the occurrence of an ordinary vacancy.]

'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, and (*b*) the person for the time being in charge of the animal or vehicle, in connexion with which the word is used.

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This clause was inserted by section 4 (v) *ibid.*

[3] These clauses were inserted by section 4 (vi) *ibid.*

[4] This clause was substituted for the original clause by section 4 (vii) of *ibid.*

(18) 'Palanquin' includes tonjans, manchils and chairs carried by men by means of posts, but not slings or cots used for the conveyance of children or aged or sick people. 'Palanquin.'

(19) 'Prescribed' means prescribed by the [1][Local Government] by rules made under this Act. 'Prescribed.'

(20) '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. 'Private street.'

(21) 'Public street' means any street, road, square, court, alley, passage or riding-path [2][over which the public have a right of way] whether a thoroughfare or not, and includes— 'Public street.'

(*a*) the roadway over any public bridge or causeway ;

(*b*) the footway 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.

(22) 'Public water-courses, springs, wells and tanks' include those used by the public to such an extent as to give a prescriptive right to such use. 'Public water-courses, etc.'

(23) 'Railway' includes a tramway. 'Railway.'

(24) 'Reconstruction' of a building includes— 'Reconstruction.'

(*a*) the re-erection wholly or partially of a building after more than one-half of its cubical contents 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

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words which occurred after the words 'whether a thoroughfare or not' were placed before those words by section 4 (viii) *ibid.*

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.'

(25) 'Residence'—'Reside'.—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 [1][return to such house] at any time and has not abandoned his intention of returning.

'Rubbish.'

(26) 'Rubbish' means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not 'filth.'

'Salary.'

(27) '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.

'Scavenger.'

(28) 'Scavenger' means a person employed in collecting or removing filth, in cleansing drains or slaughter-houses or in driving carts used for the removal of filth.

'Street-alignment.'

(29) 'Street-alignment' means a line dividing the lands comprised in and forming part of a street from the adjoining land.

'Water-course.'

(30) 'Water-course' includes any river, stream, or channel whether natural or artificial.

'Year.'

(31) 'Year' means the financial year.

PART II.—ESTABLISHMENT, CONSTITUTION AND GOVERNMENT OF DISTRICT MUNICIPALITIES.

CHAPTER II.—CREATION AND ABOLITION OF MUNICIPALITIES.

Creation of municipalities.

4. (1) The [2][Local Government] may by notification declare [3][their intention]—

(*a*) to constitute as a municipality any town, village, hamlet, bazaar, station or other local area or any group of the same in the immediate neighbourhood of one another ; or

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[1] These words were substituted for the words 'return thereto' in the original clause by sub-section 4 (ix) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'Governor in Council' by section 2 (i) *ibid.*

[3] These words were substituted for the words 'his intention' in the original sub-section by the schedule *ibid.*

(*b*) to exclude from a municipality any local area comprised therein and defined in such notification ; or

(*c*) to include within a municipality any local area in the vicinity thereof and defined in such notification :

Provided that no cantonment shall be included within a municipality without the sanction of the Governor-General in Council previously obtained.

(2) Any inhabitant of a local area or tax-payer of a municipality in respect of which any such notification has been published may, if he desires to object to anything therein contained, submit his objection in writing to the [1][Local Government] within six weeks from the publication of the notification and the [1][Local Government] shall take all such objections into consideration.

(3) When six weeks from the publication of the notification have expired, and the [1][Local Government] [2][have considered] the objections, if any, which have been submitted, [3][they may], as the case may be, by notification declare to be a municipality, or exclude from or include in a municipality, the local area or any portion thereof.

(4) This Act shall come into force in, or cease to apply to, any municipality or part thereof, as the case may be, on such date as may be specified in the notification under sub-section (3).

[4][(5) If any local area in which the Madras Local Boards Act, 1920, is in force is constituted as or included in a municipality, the Local Government may pass such orders as they may deem fit as to the transfer to the council of such municipality or disposal otherwise of the assets or institutions of any local board in the local area and as to the discharge of the liabilities, if any, of such local board relating to such assets or institutions.]

Abolition of municipalities.

5. (1) The [1][Local Government] may by notification abolish any municipality to which this Act applies :

Provided as follows :—

(*a*) the [1][Local Government] shall, before [5][they issue] such notification, communicate to the municipal council the grounds on which [6][they propose] to do so, fix a reasonable period for the

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'has considered' in the original sub-section (3) by the schedule *ibid.*

[3] These words were substituted for the words 'he may' in the original sub-section (3) by the schedule *ibid.*

[4] This sub-section was substituted for the original by section 5 *ibid.*

[5] These words were substituted for the words 'he issues' by schedule *ibid.*

[6] These words were substituted for the words 'he proposes' by schedule *ibid.*

municipal council to show cause against the proposal and consider its explanations and objections, if any ;

(*b*) the notification shall contain a statement of the [1][Local Government]'s reasons and shall be laid on the table of the Legislative Council.

(2) From such date as may be specified in such notification, this Act and all notifications, rules, by-laws, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the area previously comprised in the municipality ; the balance of the municipal fund and all other property vested in the municipal council shall vest in His Majesty, and the liabilities of the council shall be transferred to His Majesty's Secretary of State for India in Council.

(3) All property vested in His Majesty under sub-section (2) shall be applied under the orders of the [1][Local Government] to discharge the liabilities imposed on His Majesty's Secretary of State for India in Council by that sub-section or for the promotion of the safety, health, welfare and convenience of the inhabitants of the area previously comprised in the municipality.

Chapter III.—Constitution of Municipal Authorities.

Authorities.

The municipal authorities and their incorporation.

[**6.** [2](1) The municipal authorities charged with carrying out the provisions of this Act are—

(*a*) a council ;

(*b*) a chairman ; and

(*c*) an executive authority.]

(2) The municipal council shall by the name of the municipality be a body corporate, shall have perpetual succession and a common seal and subject to any restriction or qualification imposed by this or any other enactment shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts and of doing all things necessary for the purpose of its constitution.

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This sub-section was substituted for the original sub-section by section 3 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

7. (1) The municipal council shall consist of such number of councillors as may be notified by the [1][Local Government] in accordance with the following table :— Constitution of Council.

	Number of councillors.
Municipalities with a population—	
Not exceeding 20,000 at the last census ..	16
Exceeding 20,000 but not exceeding 30,000 ..	20
Exceeding 30,000 but not exceeding 40,000 ..	24
Exceeding 40,000 but not exceeding 50,000 ..	28
Exceeding 50,000 but not exceeding 100,000 ..	32
Exceeding 100,000	36

[2][(2) All the councillors of every municipality shall be elected.]

[2][(3) In any municipality, the Local Government may in their discretion, by notification, from time to time, reserve seats for

(*a*) Muslims,

(*b*) Indian Christians,

(*c*) Adi-Dravidas,

(*d*) Europeans,

(*e*) Anglo-Indians, or

(*f*) Women

and determine the number of such seats.

Provided that the total number of seats so reserved shall not exceed one-fourth of the strength fixed for the municipal council under sub-section (1) :

Provided further that no seat shall be reserved for any of the communities mentioned in clauses (*a*) to (*e*) if at the last census such community constituted more than one-half of the total population of the municipality.]

[2][(4) In reserving seats for the communities mentioned in clauses (*a*) to (*e*) of sub-section (3) the Local Government shall have due regard to their number and importance.]

[2][(5) Nothing contained in sub-section (3) shall be deemed to prevent members of any community or women, for whom seats have been reserved thereunder in any municipal council, from standing for election to the non-reserved seats in the council.]

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[1] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These sub-sections were substituted for the original sub-sections (2) and (3) by section 6 *ibid.*

Term of councillors and filling up of seats.

8. (1) The term of office of [1][. . .] councillors shall, save as otherwise expressly provided [2][in this Act], be three years beginning and expiring at noon on the first day of November.

(2) [3][Ordinary vacancies] in the office of [4][a councillor] shall be filled at ordinary elections which shall be fixed by the [5][election authority] to take place on such [6][day or] days in the months of August and September next preceding the vacancies as he thinks fit.

[7][Provided that the Local Government may for sufficient cause direct or permit the holding of any ordinary election after the end of September.]

[8][(3) A councillor elected at an ordinary election held after the occurrence of a vacancy shall enter upon office forthwith but shall hold office only so long as he would have been entitled to hold office if he had been elected before the occurrence of the vacancy.]

[9][(4)] A casual vacancy in the office of [10][a councillor] shall be filled at a casual election which shall be fixed by the [11][election authority] 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.

[9][(5)] A councillor elected at a casual vacancy 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 when no councillor is elected.

[12][**9.** (1) If at an ordinary or casual election held under section 8, no councillor is elected, a fresh election shall be held on such day as the election authority may fix.

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[1] The word 'elected' in the original sub-section (1) was omitted by section 7 (i) (*a*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The words 'in this Act' were inserted by section 7 (i) (*b*) *ibid.*

[3] These words were substituted for the words 'vacancies arising by efflux of time' in the original sub-section (2) by section 7 (ii) (*a*) *ibid.*

[4] These words were substituted for the words 'an elected councillor' in the original sub-section (2) by section 7 (ii) (*a*) *ibid.*

[5] These words were substituted for the word 'chairman' by section 7 (ii) (*b*) *ibid.*

[6] These words were inserted by section 7 (ii) (*c*) *ibid.*

[7] This proviso was added by section 7 (iii) *ibid.*

[8] This sub-section was inserted by section 7 (iv) *ibid.*

[9] Sub-sections (3) and (4) were renumbered as sub-sections (4) and (5) respectively by section 7 (v) *ibid.*

[10] These words were substituted for the words 'an elected councillor' by section 7 (v) *ibid.*

[11] These words were substituted for the word 'chairman' by section 7 (v) *ibid.*

[12] This section was substituted for the original section by section 8 *ibid.*

(2) If at such fresh election no councillor is elected, the council may, in the manner prescribed, elect a qualified person to fill the vacancy.

(3) The term of office of a councillor elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.]

10. [1][Omitted.]

11. [2][Omitted.]

[3][**12.** (1) Every council shall elect one of its members to be its chairman. The chairman and vice-chairman of the municipality.

[4][(2) Omitted.]

(3) The council shall elect one of its members other than the chairman to be its vice-chairman.

(4) A chairman shall be deemed to have vacated his office on the expiry of his term of office as a councillor or on his otherwise ceasing to be a councillor.

(5) A vice-chairman shall be deemed to have vacated his office—

(i) on the expiry of his term of office as a councillor or on his otherwise ceasing to be a councillor; or

(ii) on his election as chairman.

(6) When the office of chairman is vacant the vice-chairman shall exercise the functions of the chairman until a new chairman assumes office.

(7) When the office of chairman is vacant and there is either a vacancy in the office of vice-chairman, or the vice-chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the revenue divisional officer shall, after giving notice of not less than seven clear days to the councillors, convene a meeting for the election of a chairman and until a new chairman or vice-chairman is elected and assumes office, or the vice-chairman returns to jurisdiction or recovers from his incapacity as the case may be, the revenue divisional officer shall, notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, be ex-officio member and chairman of the council.

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[1] This section was omitted by section 9 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This section was omitted by section 4 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] Sections 12 and 12-A were substituted for section 12 by section 11 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] This sub-section was omitted by section 5 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(8) An out-going chairman or vice-chairman is eligible for re-election.

Explanation.—A new chairman or vice-chairman shall be deemed to have assumed office on his being declared elected as such.]

Procedure when no chairman or vice-chairman is elected.

[1][12-A. If at an election held under section 12 no chairman or vice-chairman is elected, a fresh election shall be held.]

Chairman, vice-chairman or councillor not to receive remuneration.

[2][12-B. No chairman, vice-chairman or councillor shall receive or be paid, from the funds at the disposal of or under the control of the council, any salary or other remuneration for services rendered by him in any capacity whatsoever.]

The commissioner of the municipality.

[2][12-C. (1) A commissioner shall be appointed by the Local Government in the case of each municipality included in Schedule IX and in the case of any other municipality notified by the Local Government in this behalf. Every notification issued under this sub-section shall specify the reasons therefor.

(2) The commissioner shall, save as otherwise provided in this Act, hold office for a period of three years from the date of his appointment. An out-going commissioner shall be eligible for reappointment if otherwise qualified.

(3) No person shall be appointed to be a commissioner and no commissioner shall continue to hold office as such, after he has attained the age of fifty-five.

(4) The Local Government may, at any time, remove the commissioner from office and shall do so if such 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 two-thirds of the sanctioned strength of the council.

(5) The commissioner shall be a whole-time officer of the municipality and shall not undertake any work unconnected with his office without the sanction of the municipal council and the Local Government.

(6) (*a*) The commissioner shall be paid out of the municipal fund such salary and allowances not exceeding eight hundred rupees per mensem in the aggregate as may from time to time be fixed by the Local Government.

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[1] Sections 12 and 12-A were substituted for section 12 by section 11 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] Sections 12-B and 12-C were inserted by section 6 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(*b*) If the commissioner is an officer in the service of the Local Government, the municipal council shall pay to the Local Government such contribution towards his leave allowances, pension and provident fund as may be payable under the rules and regulations of the branch of Governme service to which he belongs and in force for the time being.

(*c*) If the commissioner is not an officer in the service of the Local 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 Local Government :

Provided that—

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

(ii) 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 admissible to such Government servants.

(7) Leave may be granted to the commissioner by the Local Government. Whenever such leave is granted, the Local Government shall appoint some person to officiate in his office.

(8) The commissioner shall be appointed from among persons who are in active Government, Municipal or Local Fund service.]

Functions of the several authorities.

[1] [The chairman and the executive authority.]

[1] [**13**. The chairman of the municipal council shall— Functions of the Chairman.

(*a*) make arrangements for the election of the vice-chairman ;

(*b*) convene the meetings of the council ; and

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred on the chairman by this Act.]

[1] [**13-A.** The executive authority of the municipal council shall— Functions of the executive authority.

(*a*) carry into effect the resolutions of the council ;

[1] Sections 13, 13-A and 13 B and the heading thereto were substituted for the original section 13 and the heading thereto by section 7 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(*b*) furnish to the council such periodical reports regarding the progress made in carrying out the resolutions of that body in the collection of taxes as the council may direct ; and

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred on the executive authority by this Act and subject, whenever it is hereinafter expressly so provided, to the sanction of the council, and subject to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes of this Act.]

Rights of Chairman where a Commissioner has been appointed.

[1] [**13-B.** In the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12-C, the chairman shall have full access to all the records of the municipal council and no official correspondence between the council and the Local Government shall be conducted except through the chairman. The chairman shall be bound to transmit communications addressed through him by the commissioner to the Local Government or by the Local Government to the commissioner.]

The chairman to be member of every committee of the council.

[2] [**14.** The chairman shall by virtue of his office be a member of every committee of the council.]

Emergency powers of Executive authority.

15. The [3] [executive authority] may in cases of emergency direct the execution of any work or the doing of any act which would ordinarily require the sanction of the council, 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 such work or doing such act shall be paid from the municipal fund :

Provided that—

(*a*) he shall not act under this section in contravention of any order of the council prohibiting the execution of any particular act, and

(*b*) he shall report the action taken under this section and the reasons therefor to the council at its next meeting.

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[1] Sections 13, 13-A and 13-B and the heading thereto were substituted for the original section 13 and the heading thereto by section 7 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] Sub-section (*a*) of the original section was omitted and sub-section (*b*) was renumbered as section 14 by section 13 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[**16.** [1] Omitted.]

[**17.** [2] Omitted.]

[3] [**18.** (1) The chairman may by an order in writing, delegate [4] [any of his functions including his functions as executive authority if he is also the executive authority] to the vice-chairman : **Delegation and devolution of functions of chairman.**

Provided that he shall not delegate any functions which the municipal council expressly forbids him to delegate.

(2) If the chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, [5] [his functions including where he is also the executive authority his functions as such except those of] promoting, withholding promotion from, reducing, removing or dismissing any municipal officer or servant, shall, during such absence or incapacity, devolve on the vice-chairman :

Provided that where the absence from jurisdiction of the chairman is within the Presidency of Madras and is on business connected with the municipality, the chairman's function shall not, except to the extent, if any, to which functions have been delegated by him under sub-section (1), devolve on the vice-chairman.

(3) If the vice-chairman also has been continuously absent from jurisdiction for more than fifteen days or is incapacitated or if the office of vice-chairman is vacant, the chairman may, by an order in writing, delegate [any of his functions including his functions as executive authority if he is also the executive authority] to any councillor who shall be styled 'chairman-delegate' during the period of delegation :

Provided that—

(i) when an order of delegation made under this sub-section is in force, no further order of delegation of any functions shall be made in favour of any other than the councillor in whose favour the order in force was made ;

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[1] This section was omitted by section 8 of the Madras District Muaicipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] This section was omitted by section 15 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] This section was substituted by section 16 *ibid.*

[4] These words were substituted for the words (any of his functions) by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[5] These words were substituted for the words 'his functions except those of' by section 17 (2) *ibid.*

[6] These words were substituted for the words 'any of his functions' by section 17 (2) *ibid.*

(ii) no delegation under this sub-section shall, without the special sanction of the council, be made for any period exceeding in the aggregate [ninety days in any year] ; and

(iii) every order made under this sub-section shall be communicated forthwith to the council and to the district collector.

(4) Subject to any restrictions that the council may impose, [2] [the chairman may, where he is also the executive authority, by order in writing] delegate any of his executive functions to any officer or servant of the council or to any officer of Government.

(5) The exercise or discharge of any functions delegated under sub-sections (1), (3) and (4) shall be subject to such restrictions, limitations and conditions if any as may be laid down by the chairman and shall also be subject to his control and revision. The chairman shall also have power to control and revise the exercise or discharge of any functions devolving on the vice-chairman under sub-section (2).

Rights and duties of the commissioner.

[3] [**18-A.** (1) (*a*) The commissioner shall have the right to attend the meetings of the council or any committee thereof, and take part in the discussions thereat but shall not have the right to move any resolution or to vote.

(*b*) He shall attend any meeting of the council or of any committee if required to do so by the chairman.

(2) In the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12-C the officers and servants of the municipal council shall be subordinate to the commissioner.

(3) Subject to any directions given or restrictions imposed by the Local Government or the municipal council, the commissioner may, by order in writing, delegate any of his functions to any officer or servant of the council or to any officer of Government. The exercise or discharge of any functions so delegated shall be subject to such restrictions, limitations and conditions as may be laid down by the commissioner and shall also be subject to his control and revision.]

The council.

Functions of the council.

19. Subject to the provisions of this Act the municipal administration shall vest in the council, but the council shall

[1] These words were substituted for the words 'ninety days in any year in the case of an unpaid chairman and fifteen days in the case of a paid chairman' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words 'the chairman may by an order in writing' by *ibid.*

[3] This section was inserted by section 9 *ibid.*

not be entitled to exercise functions expressly assigned by or under this Act or any other law to the [1] [chairman or executive authority].

Duties and powers of individual councillors.

20. (1) Any councillor may call the attention of the [2] [executive 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 may appear desirable.

(2) Every councillor shall have the right to move resolutions [3] [and] to interpellate the chairman 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 council after giving due notice to the [2] [executive authority] provided that the [2] [executive authority] may for reasons given in writing forbid such access.

Council's power to call for records.

21. The council may at any time require the [2][executive authority] to produce any [. . .][4] document which is in his custody.

The [2] [executive authority] shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the council or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the council, refer the question to the district collector, whose decision shall be final.

Obligation on the executive authority to carry out council's resolutions.

22. The [2] [executive authority] shall be bound to give effect to every resolution of the council unless such resolution is modified, suspended or cancelled by a controlling authority.

Appointment of committees.

[**23.** A council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them ; or may appoint individual councillors, or committees, to enquire into and report or advise on any matters which it may refer to them.]

Appointment of special committees.

24. It shall be lawful for the council from time to time by a resolution supported by not less than one-half of the sanctioned strength of the council to appoint as members of

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[1] These words were substituted for the word 'chairman' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the word 'chairman' by section 17 (1) *ibid.*

[3] This word was inserted by section 17 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] The words 'record, plan, correspondence or other' were omitted by section 18 *ibid.*

[5] This section was substituted for the original section by section 19 *ibid.*

any committee any persons [1][. . .] who are not councillors but who may in the opinion of such council possess special qualifications for serving on such committee. But the number of persons so appointed on any committee shall not exceed one-third of the total number of members of such committee. All the provisions of this Act relating to the duties, powers, liabilities and disqualifications and disabilities of councillors shall, save as regard the disqualification on the ground of [2][residence], be applicable, so far as may be, to such persons.

Rules and regulations for proceedings of council.

25. The council shall observe the rules in Schedule III and may make [3][. . .] regulations not inconsistent therewith or with other provisions of this Act or any rules made by the [4][Local Government] in regard to the following matters :—

(*a*) the time and place of its meetings ;

(*b*) the manner in which notice thereof shall be given ;

[5][(*c*) the preservation of order and the conduct of proceedings at meetings, and the powers which the chairman may exercise for the purpose of enforcing his decisions on points of order ;]

(*d*) the division of duties among the members of the council ;

[6][(*e*) the constitution and procedure of committees ;]

[7][(*f*) the delegation of its powers, duties or functions—

(i) to the chairman, a councillor, an officer or servant of the council or an officer of Government ; or

(ii) to a committee constituted under clause (*e*) or to its chairman or to any one or more of its members ;]

[8][(*g*) the persons by whom receipts may be granted for money paid to the council ; and

[8][(*h*)] all other similar matters.

Appointment of joint committee.

[9][**26.** (1) A council may, and if so required by the Local Government shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.

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[1] The words ' of either sex ' were omitted by section 20 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This word was substituted for the word ' sex ' by section 20 (ii) *ibid.* The word ' supplementary ' was omitted by section 21 (i) *ibid.*

[4] These words were substituted for the words ' Governor in Council ' by section 2 (i) *ibid.*

[5] This clause was substituted for the original by section 21 (ii) *ibid.*

[6] This clause was substituted for the original by section 21 (iii) *ibid.*

[7] This was inserted as clause (*f*) by section 21 (iv) *ibid.*

[8] The original clauses (*f*) and (*g*) were re-lettered as clauses (*g*) and (*h*) by section 21 (iv) *ibid.*

[9] This section was substituted for the original section by section 22 *ibid.*

(2) A joint committee may include persons who are not members of the local authorities concerned but who may in their opinion possess special qualifications or special interest for serving on such committee :

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) The constitution of a joint committee shall be by means of regulations which shall not, except in the cases referred to in sub-sections (6) and (7), have effect unless assented to by each of the local authorities concerned.

(4) The regulations shall determine—

(*a*) the total number of members of the joint committee ;

(*b*) the number who shall be members of the local authorities concerned and the number who may be outsiders ;

(*c*) the persons who shall be members of the joint committee or the manner in which they shall be elected or appointed ;

(*d*) the person who shall be chairman of the joint committee or the manner in which he shall be elected or appointed ;

(*e*) the term of office of members and chairman.

(*f*) the powers being powers exercisable by one or more of the local authorities concerned, which may be exercised by the joint committee ; and

(*g*) the procedure of the joint committee.

(5) Regulations made under sub-sections (3) and (4) may be varied or revoked provided that all the local authorities concerned assent to such variation or revocation.

(6) If the Local Government take action under sub-section (1), they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (3) and (4).

(7) If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to the Local Government whose decision shall be final.]

Notification of election and appointment.

27. All elections [1][. . .] of chairmen, vice-chairmen and members of municipal councils shall be notified in the *Fort St. George Gazette*.

[1] The words 'and appointments' were omitted by section 23 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Presidency of council.

28. [1] [(1) Every meeting of the council shall be presided over by the chairman; in his absence by the vice-chairman; and in the absence of both the chairman and the vice-chairman, by a councillor chosen by the meeting to preside for the occasion.]

(2) The chairman shall preserve order and shall decide all points of order arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the chairman on any point of order shall, save as is otherwise expressly provided in this Act, be final.

(3) A vice-chairman or councillor presiding for the occasion shall, for that meeting, [2] [and during the period that he presides over it], have all the powers of the chairman.

[**29.** [3] Omitted.]

Councillor when to abstain from taking part in discussion and voting.

30. (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 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 chairman may prohibit any councillor from voting or taking part in the discussion of any matter in which he believes [4] [such councillor] to have such interest, or he may require [4] [such councillor] to absent himself during the discussion.

(3) [4] [Such councillor] may challenge the decision of the chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the chairman is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect be carried, be required to absent himself from the meeting during such discussion.

[5] [(5) The councillor concerned shall not be entitled to vote on the question referred to in sub-section (3), and the chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).]

Explanation.—'Chairman' in this section includes a vice-chairman, or councillor, presiding for the occasion.

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[1] This sub-section was substituted for the original by section 24 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were inserted by section 24 (ii) *ibid.*

[3] This section was omitted by section 25 *ibid.*

[4] These words were substituted for the words 'such person' by section 26 (i) *ibid.*

[5] This sub-section was inserted by section 26 (ii) *ibid.*

Power of chairman, vice-chairman or councillor to resign.

31. Any councillor other than the chairman [1] [and any vice-chairman] may resign his office by giving notice to the chairman ; the chairman may resign by giving notice to the council. [2] [Such resignation shall take effect in the case of a councillor or vice-chairman from the date on which it is received by the chairman and in the case of a chairman from the date on which it is placed before the council.]

Acts of municipal council, etc., not to be invalidated by informality, etc.

[3] [**32.** No act of a municipal council or of a committee thereof or of any person acting as chairman, vice-chairman or member of the municipal council or committee shall be deemed to be invalid by reason only of a defect in the establishment of the municipality or committee or on the ground that the chairman, vice-chairman or any member of the council or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or appointment or by reason of such act having been done during the period of any vacancy in the office of chairman, vice-chairman or member of the council or committee.]

Administration report.

Annual administration report.

33. (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 [4] [Local Government], the municipal council shall submit to the [4] [Local Government] through the district collector a report on the administration during the preceding year in such form and with such details as the [4] [Local Government] may direct. If the district collector makes any remarks on the report, such remarks shall be forwarded to the council and the council shall be entitled within such time as the [4] [Local Government] [5] [fix], to offer or make such explanations or observations as the council thinks fit.

(2) The [6] [executive authority] shall prepare the report ; the municipal council shall consider his report and forward it to the [4] [Local Government] with its resolutions thereon, if any.

(3) The report [7] [and the resolutions thereon, if any], shall be published in such manner as the council, subject to the approval of the [4] [Local Government], may direct.

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[1] These words were inserted by section 27 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This sentence was added by section 27 (ii) *ibid.*

[3] This section was substituted by section 28 *ibid.*

[4] These words were substituted for the words 'Governor in Council' by section 2 (i) *ibid.*

[5] This word was substituted for the word 'fixes' by the schedule *ibid.*

[6] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[7] These words were inserted by section 29 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Controlling authorities.

Power of Local Government and Collector for purposes of control.

34. (1) The district collector may enter on and inspect, or cause to be entered on and inspected, any immovable property or any work in progress under the control of any municipal authority in his district.

(2) The [1][Local Government] or the district collector may—

(*a*) call for any [2] [. . .] document in the possession or under the control of any [3] [council] or [4] [executive authority] ;

(*b*) require any council [5] [or [4] (executive authority)] to furnish any return, plan, estimate, statement, account, or statistics ;

(*c*) require any council [6] [or (executive authority)] to furnish [7] [any] information or report on any municipal matter ;

(*d*) record in writing, for the consideration of the council [8] [or (executive authority)] any observations [9][they or he may] think proper in regard to its [10][or his] proceedings or duties.

Collector's power to enforce execution of resolutions.

35. If it appears to the district collector that the [4] [executive authority] of a municipality has made default in carrying out any resolution of the council, the said collector, after giving the [executive authority] a reasonable opportunity of explanation, shall send a report thereon together with the explanation, if any, of the [4][executive authority] to the [1] [Local Government] and at the same time forward a copy of the same to the council.

Power to suspend or cancel resolutions, etc., under Act.

[11] [**36.** (1) The Local Government may, by order in writing—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted or

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The words 'records, correspondence, plan or other' in the original clause were omitted by section 30 (i) *ibid.*

[3] The words 'Council or Chairman' were substituted for the words 'municipal council' by section 30 (i) *ibid.*

[4] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[5] The words 'or chairman' were inserted by section 30 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[6] The words 'or chairman' were inserted by section 30 (iii) *ibid.*

[7] The word 'any' was inserted by section 30 (iii) *ibid.*

[8] The words 'or chairman' were inserted by section 30 (iv) (*a*) *ibid.*

[9] These words were substituted for the words 'he may' by section 30 (iv) (*b*) *ibid.*

[10] These words were inserted by section 30 (iv) (*c*) *ibid.*

[11] This section was substituted for the original by section 31 *ibid.*

(ii) prohibit the doing of any act which is about to be done or is being done

in pursuance or under colour of this Act, if, in their opinion,

(*a*) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized or

(*b*) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law, or

(*c*) the execution of such resolution or order, the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray :

Provided that the Local Government shall before taking action under this section on any of the grounds referred to in clauses (*a*) and (*b*) give the authority or person concerned an opportunity for explanation.

(2) If, in the opinion of the district collector, immediate action is necessary on any of the grounds referred to in clause (*c*) of sub-section (1) he may suspend the resolution, order, licence, permission or act, as the case may be, and report to the Local Government who may thereupon either rescind the collector's order or after giving the authority or person concerned a reasonable opportunity of explanation, direct that it continue in force with or without modification permanently or for such period as they think fit.]

Emergency powers of collectors.

37. (1) The district collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which the council or [executive authority] is empowered to execute or to do, and the immediate execution or the doing of which is, in his opinion, necessary for the safety of the public, and may direct that the expense of executing such work or doing such act incurred as the emergency may require shall be paid from the municipal fund.

(2) If the expense is not so paid, such collector may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against the fund.

(3) Such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(4) Every case in which the powers conferred by this section are exercised shall be forthwith reported to the [1][Local Government] by the district collector with the reasons in full for the exercise of such powers ; and a copy of the letter shall at the same time be sent to the municipal council for information.

Local Government's power to appoint officers to supervise municipalities.

38. (1) The [1] [Local Government] may appoint such officers as may be required for the purposes of inspecting or superintending the operations of all or any of the municipal councils established under this Act.

(2) All schools, hospitals, dispensaries, vaccine stations, choultries and other institutions maintained by any municipal council, and all [2][. . .] documents relating thereto shall at all times be open to the inspection of such officers as the [1][Local Government] may appoint in that behalf.

(3) Municipal authorities and municipal officers and servants shall be bound to afford to inspecting or superintending officers of Government appointed under this section such access at all reasonable times to municipal property or premises, and to all [3][. . .] documents which, subject to any rules framed for their guidance under section 303 (1) and (2) (*k*), they may consider to be necessary to enable them to discharge their duties of inspection or superintendence.

Local Government's power to undertake works for, or to take action in default of a municipality.

39. (1) If at any time it appears to the [1][Local Government] that a municipal council [4][chairman or executive authority] has made default in performing any duty imposed by or under this or any other Act, [5][they may,] by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the [Local Government] may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time [6][as they may fix,] to such person by the municipal council.

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[1] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The words ' registers, books, accounts and other ' were omitted by section 32 (*i*) *ibid.*

[3] The words ' records, accounts and other ' were omitted by section 32 (ii) *ibid.*

[4] These words were substituted for the words ' or chairman ' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[5] These words were substituted for the words ' he may ' by the schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[6] These words were substituted for the words ' as he may fix ' by the schedule *ibid.*

(3) The [1][Local Government] may, with the consent of the municipal council, undertake on its behalf the construction of water-supply, drainage or other works, appoint persons to carry out the construction of such works, and direct that the expense, including the pay of such persons, be paid from the municipal fund.

(4) If expenses which the [1][Local Government] [2][have directed] under sub-section (2) or (3) to be paid from the municipal fund are not so paid, the district collector, with the previous sanction of the [1][Local Government,] may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund except charges for the service of authorized loans.

(5) Such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Local Government to remove chairman or vice-chairman.

[3][**40.** (1) The Local Government may, by notification, remove any chairman or vice-chairman, who in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful orders issued thereunder or abuses the powers vested in him.

(2) The Local Government shall, when they propose to take action under sub-section (1), give the chairman or vice-chairman concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of the reasons of the Local Government for the action taken.]

Motion of no-confidence in chairman or vice-chairman.

[3 & 4][(**40-A.** (1) Subject to the provisions of this section, a motion expressing want of confidence in the chairman or in the vice-chairman may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, in such form as may be fixed by the Local Government, signed by such number of councillors as shall constitute not less than one-half of the sanctioned strength of the council, together with a copy of the motion which is proposed to be made, shall be delivered by any two of the councillors signing the notice in person together, to the Revenue Divisional Officer.

(3) The Revenue Divisional Officer shall then convene a meeting for the consideration of the motion, to be held at the municipal office, at a time appointed by him which shall

[1] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words ' has directed ' by the schedule *ibid.*

[3] Sections 40 and 40-A were substituted for section 40 by section 33 *ibid.*

[4] Section 40-A was substituted by section 2 of the Madras District Municipalities (Second Amendment) Act, 1933 (Madras Act IV of 1933).

not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the councillors notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(4) The Revenue Divisional Officer shall preside at the meeting convened under this section and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the Revenue Divisional Officer is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the councillors by the Revenue Divisional Officer under sub-section (5).

(5) If the Revenue Divisional Officer is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the councillors of the time appointed for the adjourned meeting.

(6) Save as provided in sub-sections (4) and (5), a meeting convened for the purpose of considering a motion under this section, shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section has commenced, the Revenue Divisional Officer shall read to the council the motion for the consideration of which it has been convened, and declare it to be open for debate.

(8) No debate on any motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to the vote of the council.

(10) The Revenue Divisional Officer shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the Revenue Divisional Officer to the Local Government.

(12) If the motion is carried with the support of not less than three-fifths of the sanctioned strength of the council, the Local Government shall, by notification, remove the chairman or vice-chairman as the case may be.

(13) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same chairman or vice-chairman shall be received until after the expiry of six months from the date of the meeting.

(14) No notice of a motion under this section shall be received within six months of the assumption of office by a chairman or vice-chairman as the case may be.

Local Government's power to dissolve or supersede council.

41. (1) If in his opinion a council is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, the [1][Local Government] may by notification direct that the council be [2][dissolved and reconstituted on such dates as the Local Government may fix in that behalf]; or he may, if he thinks necessary supersede the council for a specified period not exceeding two years and the notification shall be laid on the table of the Legislative Council:

Provided as follows :—

[3][(*a*) for the purpose of completing the elections to a council which has been dissolved the Local Government may, in their discretion, from time to time, extend the time fixed by them under this sub-section for its reconstitution ;]

(*b*) the [1][Local Government] shall not supersede a portion only of the municipal council.

[4][(1-A) Before publishing a notification under sub-section (1), the Local Government shall communicate to the council concerned the grounds on which they propose to do so, fix a reasonable period for the council to show cause against the proposal and consider its explanations or objections, if any :

Provided that where a council has disobeyed an order issued under section 36, the Local Government shall not be bound to follow the procedure laid down in this sub-section.]

[5][(2) On the date fixed for the dissolution of the council under sub-section (1) all its members as well as its chairman and vice-chairman shall forthwith be deemed to have vacated their offices and fresh elections shall be held in accordance

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[1] This was substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'dissolved and reconstituted immediately' by section 34 (i) (*a*) *ibid.*

[3] This proviso was substituted for the original proviso (*a*) by section 34 (i) (*b*) *ibid.*

[4] This sub-section was inserted by section 34 (ii) *ibid.*

[5] This sub-section was substituted for the original by section 34 (iii) *ibid.*

with the provisions of this Act. The newly elected councillors shall enter upon their offices on the date fixed for the reconstitution of the council.

(3) Supersession shall take effect from noon on the date of publication of the notification, if no date is therein specified, and thereupon the following consequences shall ensue :—

(*a*) All the members of the council as well as [1][its chairman and vice-chairman shall forthwith be deemed to have vacated their offices].

(*b*) All or any of the [2][functions of the council and of its chairman, including where the chairman is also the executive authority, his functions as such] may, during the period of supersession, be exercised and performed, as far as may be, and to such extent as the [3][Local Government] may determine, by such persons as the [3][Local Government] [4][appoint] in that behalf and any such person who is not a district collector or revenue divisional officer may, if the [3][Local Government] [5][so direct], receive payment for his services from the municipal fund; the [3][Local Government] may determine the relations of such person with the municipal secretary (if any), with the district controlling officers and [6][with themselves]; and where there is a [7][commissioner] the [3][Local Government] may direct him to exercise and perform any powers and duties of the council in addition to his own.

[8][(*c*) Omitted.]

(4) On or before the expiry of the period of supersession notified under sub-section (1), the [3][Local Government] may, by notification, for reasons to be stated in the notification, postpone the reconstitution of the council for a further

[1] These words were substituted for the words 'the chairman and vice-chairman shall forthwith vacate their office' by section 34 (iv) (*a*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'powers and duties of the municipal authorities' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] This word was substituted for the word 'appoints' by the schedule *ibid.*

[5] These words were substituted for the words 'so directs' by the schedule *ibid.*

[6] These words were substituted for the words 'with himself' by the schedule *ibid.*

[7] This word was substituted for the words 'paid chairman' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[8] This clause (*c*) was omitted by section 34 (iv) (*b*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

period not exceeding six months. or notwithstanding anything contained in [1] [proviso (*a*) to sub-section (1) of section 5,] withdraw the area of the municipality from the operation of this Act under that section.

(5) The [2] [Local Government] may reconstitute the council before the expiry of the period notified under sub-section (1) [3][or sub-section (4)].

[4] [(6) When a council is dissolved or superseded under this section, the Local Government until the date of the reconstitution thereof and the reconstituted council thereafter shall be entitled to all the assets and be subject to all the liabilities of the council as on the date of the dissolution or supersession and on the date of the reconstitution respectively.]

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

42. When the district collector or person appointed by the [2] [Local Government] lawfully takes action on behalf or in default of the municipal council under this Act he shall have [5] [all such powers] as are necessary for the purpose, and shall be entitled to the same protection under this Act as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Chapter IV.—Election and Appointment of Councillors.

Elections.

Election of municipal councillors.

[6] [**43.** (1) For the purposes of election of councillors to a municipal council, the Local Government after consulting the municipal council may, by notification,

(*a*) divide the municipality into wards.

(*b*) determine the wards in which the seats, if any, reserved under sub-section (3) of section 7 shall be set apart, and

(*c*) declare for whom such seats are reserved.

(2) The wards referred to in clause (*b*) of sub-section (1) shall return, in addition to members for such reserved seats, one or more members for non-reserved seats. The number of such members shall be notified by the Local Government. All other wards shall be entitled to elect only one councillor.

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[1] These words and figures were substituted for the words and figures 'proviso (*a*) to section 5, sub-section (1)' by section 34 (v) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'Governor in Council' by section 2 (i) *ibid.*

[3] The words and figure were added by section 34 (vi) *ibid.*

[4] This sub-section was added by section 34 (vii) *ibid.*

[5] These words were substituted for the words 'power to make such contracts' by section 35 *ibid.*

[6] This section was substituted for the original by section 36 *ibid.*

(3) All the electors of a ward, irrespective of their community or sex, shall be entitled to vote at an election to any seat in that ward whether reserved or not.

(4) When issuing under sub-section (1) a notification which materially alters the existing division of a municipality into wards, the Local Government may direct that the alteration shall take effect from the date of the next ordinary elections.

(5) When the number of councillors to be returned by a ward is altered or when a new ward is formed, or when an existing ward is abolished, the election authority shall, with the approval of the Local Government, determine—

(*a*) the ward which each councillor then on the council shall be deemed to represent ; and

(*b*) the ward or wards in which elections shall be held to fill up the vacancies, if any, in the council.]

Publication of electoral roll.

44. [1][(1) An electoral roll for every municipality showing the names of persons qualified to vote therein shall be prepared and published by the election authority in the manner prescribed before the end of June of the year in which the ordinary vacancies are to occur.]

[1][(2) The roll so prepared and published shall be revised and a list of amendments and corrections thereto shall in like manner be prepared and published by the election authority before the end of June of every year.]

(3) When a municipality has been divided into wards the electoral roll shall be divided into separate lists for each ward.

(4) The electoral roll published in any year [2][as revised by the list of amendments and corrections, if any,] shall remain in force till the publication of a fresh electoral roll.

[3][(5)] Every person whose name appears in the [4][electoral roll as so revised] shall so long as it remains in force be entitled to vote at an election ; and no person whose name does not appear in such roll shall vote at an election.

Qualifications for voting.

[5][**45.** (1) 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 State in India :

Provided that the Local Government may exclude from the scope of this restriction any alien or class of aliens ;

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[1] These sub-sections were substituted for the original sub-section (1) by section 37 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were inserted by section 37 (ii) *ibid.*

[3] The original sub-section (2) was renumbered as sub-section (5) by section 37 (i) *ibid.*

[4] These words were substituted for the words ' final electoral roll published under this section ' by section 37 (iii) *ibid.*

[5] This section was substituted for sections 45 and 46 by section 38 *ibid.*

(*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 been assessed in such preceding year to any tax payable to the Government of India or to the Local Government or to any local authority in the Presidency of Madras or is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces ; and

(*d*) he has resided in the municipality for one hundred and twenty days in the aggregate in such preceding year.

(2) If a company or association or the members of a family jointly or joint pattadars has or have been assessed to any tax, the company or association or the family or joint pattadars shall be treated as possessing the qualification, and the person entitled to be registered in the electoral roll shall be the secretary of the company or association or some other person duly authorized in that behalf or the member authorized by a majority of the family or of the joint pattadars, or, in the case of a joint Hindu family, either a member so authorized or in default of such authorization, the manager thereof.

(3) A person may be qualified either in his personal capacity or in the capacity of a representative of a company or association or of a joint family or of joint pattadars, but not in both capacities.

(4) Save as provided in sub-section (2), no person shall be qualified as an elector unless he possesses the necessary qualifications in his personal capacity.]

[**46.** [1] Omitted.]

[2][**47.** Notwithstanding anything contained in sub-section (5) of section 44, a person who is of unsound mind, a deaf-mute or a leper shall not be entitled to vote at any election to a municipal council.] Disqualifications of voters.

Qualifications for membership of Council.

48. (1) No person shall be qualified for election as a councillor unless [3][. . .] the name of such person appears on the electoral roll of the municipality [3][. . .]. Qualification of candidates.

[4][(2) No officer of Government other than a village officer shall be qualified for election or for holding office as a councillor :

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[1] This section was omitted by section 38 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This section was substituted for the original by section 39 *ibid.*

[3] The letter '(*a*)' at the commencement, the word, 'and' at the end and clause (*b*) were omitted by section 40 *ibid.*

[4] This sub-section was substituted by section 40 *ibid.*

Provided that this prohibition shall not apply to the holder of any office which does not involve both of the following incidents, namely, that the incumbent—

(*a*) is a whole-time servant of the Government; and

(*b*) is remunerated either by salary or fees:

Provided further that if any question arises either before or after an election whether any person is or is not disqualified under this sub-section, the question shall be referred to the Local Government whose decision shall be final.]

Disqualification of candidates.

49. (1) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months [1] [for any offence other than an offence of a political character or an offence not involving moral delinquency] (such sentence not having been reversed or the offence pardoned) shall be disqualified for election [2] [. . .] as a councillor while undergoing the sentence and for five years from the date of the expiration of the sentence.

(2) A person shall be disqualified for [3] [election] as a councillor if such person is at the date of [4] [nomination or election]—

[5] [(*a*)] of unsound mind, a deaf-mute or a leper;

(*b*) [6] [an applicant to be adjudicated a bankrupt or insolvent or] an uncertificated bankrupt or undischarged insolvent;

(*c*) interested in a subsisting contract made with, or any work being done for, the municipal council except as a shareholder (other than a director) in a [7] [company]:

[8] [Provided that a person shall not be deemed to have any interest in [9] [such contract or work] by reason only of his having a share or interest in—

(i) any lease, sale or purchase of immovable property or any agreement for the same; or

(ii) any agreement for the loan of money or any security for the payment of money only; or

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[1] These words were inserted by section 41 (i) (*a*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The words 'or appointment' were omitted by section 41 (i) (*b*) *ibid.*

[3] This word was substituted for the words 'election or appointment' by section 41 (ii) (*a*) *ibid.*

[4] These words were substituted for the words 'nomination, election or appointment' by section 41 (ii) (*a*) *ibid.*

[5] The original clauses (i) to (vi) were lettered as (*a*) to (*f*) respectively by section 41 (ii) (*b*) *ibid.*

[6] These words were added by section 41 (ii) (*c*) *ibid.*

[7] This was substituted for the words 'an incorporated company' by section 41 (ii) (*d*) *ibid.*

[8] The proviso to the sub-section was inserted as a proviso to clause (*c*) by section 41 (ii) (*e*) *ibid.*

[9] These words were substituted for the words 'such a contract or work as aforesaid' by section 41 (ii) (*e*) *ibid.*

(iii) any newspaper in which any advertisement relating to the affairs of the council is inserted ; or

(iv) the sale to the council of any articles in which he regularly trades, or the purchase from the council of any articles to a value in either case not exceeding fifteen hundred rupees in the aggregate in any year during the period of the contract or work ;]

[1] [(*cc*) employed as paid legal practitioner on behalf of the council or as legal practitioner against the council ;]

(*d*) an officer or servant holding office under this Act ; or an honorary magistrate for the municipal town ;

(*e*) already a councillor whose term of office as such will not expire before his fresh election [2] [. . .] can take effect ; [3][or has already been elected a councillor whose term of office has not yet commenced ;] or

[4] [(*f*) the servant or employer or the official subordinate or official superior of a councillor holding office on the said date.]

(3) Notwithstanding anything contained in sub-section (1), the [5] [Local Government] may direct that such sentence shall not operate as a disqualification.

[6] [(4) Omitted.]

Disqualification of councillors.

50. (1) Subject to the provisions of section 51, a councillor shall cease to hold his office, if he—

(*a*) is sentenced by a [7] [criminal court to such punishment [8] [and for such offence] as is described in sub-section (1) of section 49 ;

(*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 [9][clause (*c*) of sub-section (2) of section 49], acquires any interest in any subsisting contract made with, or work being done, for the

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[1] This clause was inserted by section 41 (ii) (*f*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The words ' or appointment ' were omitted by section 41 (ii) (*g*) *ibid.*

[3] These words were inserted by section 41 (ii) (*g*) *ibid.*

[4] This clause was substituted for clause (vi) relettered as clause (*f*) by section 41 (ii) (*h*) *ibid.*

[5] These words were substituted for the words ' Governor in Council ' by section 2 (i) *ibid.*

[6] This sub-section was omitted by section 41 (iii) *ibid.*

[7] This word was inserted by section 42 (i) (*a*) *ibid.*

[8] These words were inserted by section 42 (i) (*a*) *ibid.*

[9] The words, figures and letter were substituted for the words and figures ' section 49, sub-section (2) ' by section 42 (i) (*b*) *ibid.*

council except as a shareholder (other than a director) in [1] [a company . . . ;]

[2] [(*dd*) is employed as paid legal practitioner on behalf of the council or accepts employment as legal practitioner against the council ;]

[3] [(*e*) is appointed as an officer or servant under this Act or as an honorary magistrate for the municipal town ;]

(*f*) accepts employment under [4] [or becomes the official subordinate of] any other councillor ;

[5] [(*g*) Omitted.]

(*h*) ceases to reside in the municipality or within two miles thereof ; or

[6] [(*i*) absents himself from the meetings of the council for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as councillor under sub-section (4), as the case may be, or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date :

Provided that no meeting from which a councillor absents himself shall be counted against him under this clause, if due notice of that meeting was not given to him.

Explanation.—A meeting held under sub-rule (2) or rule 2 of Schedule III or rule 3 of that schedule shall not be deemed to be a meeting within the meaning of this clause.]

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1) the [7] [Local Government] may direct that such sentence shall not operate as a disqualification.

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[1] These words were substituted for the words 'an incorporated company' and the words 'or is employed as paid legal practitioner on behalf of the council or accepts employment as legal practitioner against the council' were omitted by section 42 (1) (*b*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This clause was inserted by section 42 (1) (*c*) *ibid.*

[3] This clause was substituted for the original clause by section 42 (1) (*d*) *ibid.*

[4] These words were inserted by section 42 (1) (*e*) *ibid.*

[5] This clause was omitted by section 42 (1) (*f*) *ibid.*

[6] This clause and the explanation thereto were substituted by section 2 of the Madras District Municipalities (Second Amendment) Act, 1934 (Madras Act IV of 1935).

[7] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(3) Where a person ceases to be a councillor under [1] [clause (*a*) of sub-section (1) or under section 60,] he shall be restored to office for such portion of the period for which he was elected [2] [. . .] 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 [3][Local Government] [4] [And any person elected to fill the vacancy in the interim shall on such restoration vacate office.]

[5] [(4) Where a person ceases to be a councillor under clause (*i*) of sub-section (1), the [6][executive authority] shall at once intimate the fact in writing to such person and report the same to the council at its next meeting. If such person applies for restoration *suo motu* to the council on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the council may at the meeting next after the receipt of such application restore him to his office of councillor :

Provided that a councillor shall not be so restored more than twice during his term of office.]

Decision on questions of disqualification of councillors by district judge.

51. (1) Whenever it is alleged that any person who has been elected [7] [. . .] as a councillor is disqualified under [8] [sub-section (1) of section 48, section 49, section 50 or section 60,] 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, [9] [under section 50 or section 60,] such councillor or any other councillor may, and the [6] [executive authority], at the request of the council, shall, apply to the district judge of the district in which the municipality is situated.

(2) The said judge, after making such inquiry as he deems necessary, shall determine whether or not such person

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[1] These words, figure and letter were substituted for the words and letters 'clause (*a*) or clause (*g*)' by section 42 (ii) (*a*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The words 'or appointed' were omitted by section 42 (ii) (*b*) *ibid.*

[3] These words were substituted for the words 'Governor in Council' by section 2 (1) *ibid.*

[4] This sentence was inserted by section 42 (ii) (*c*) *ibid.*

[5] This sub-section was substituted for the original by section 42 (iii) *ibid.*

[6] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[7] The words 'or appointed' were omitted by section 43 (i) (*a*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[8] These words and figures were substituted for the words and figures section 49 or section 50' by section 43 (i) (*b*) *ibid.*

[9] These words and figures were inserted by section 43 (1) (*c*) *ibid.*

is disqualified under [1][sub-section (1) of section 48, section 49, section 50 or section 60,] and his decision shall be final.

[2] [(3) Pending such decision the councillor shall be entitled to act as if he were not disqualified.]

Election offences.

[**52.** [3] Omitted.]

[**53.** [3] Omitted.]

[**54.** [3] Omitted.]

[**55.** [3] Omitted.]

Infringement of secrecy of election.

56. 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.

[**57.** [3] Omitted.]

[**58.** [3] Omitted.]

[**59.** [3] Omitted.]

Disqualification of persons convicted of election offences.

[4] [**60.** Every person convicted of an offence punishable under section 56 or under Chapter IX-A of the Indian Penal Code shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of municipal councillor for a period of five years from the date of his conviction or for such shorter period as the court may, by order, determine.] XLV of 1860.

Chapter V.—Powers of Municipal Authorities in respect of Property, Contracts, Establishment.

Property.

Vesting of public streets and appurtenances in the municipal council.

61. (1) All public streets in any municipality, with the pavements, stones and other materials thereof, and all [5][works,] materials and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts, whether made

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[1] These words and figures were substituted for the words and figures 'section 49 or section 50' by section 43 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This sub-section was substituted by section 43 (iii) *ibid.*

[3] These sections were omitted by section 44 *ibid.*

[4] This section was substituted by section 45 *ibid.*

[5] This word was substituted for the word 'erections' by section 46 *ibid.*

at the cost of the municipal fund or otherwise, in, alongside or under any street, whether public or private, and all works, materials and things appertaining thereto shall vest in the municpal council.

(2) The [1][Local Government] may by notification withdraw any such street, sewer, drain, drainage work, tunnel or culvert from the control of the council.

Collected sewage, etc., belong to municipal council.

62. All rubbish and filth and other matter collected by a municipal council under this Act shall belong to the council.

Power of Board of Revenue to transfer control of endowments to municipal council.

63. Subject to the control of the [1][Local Government] the Board of Revenue may by notification, [2][with the consent of a municipal council, make over to the council] the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the Madras Endowments and Escheats Regulation, 1817; and thereupon all powers and duties which attach to the Board of Revenue in respect thereof shall attach to [3][the council] as if it had been specially named in the said regulation, and the council shall manage [4][and superintend] such endowment.

Inventory of municipal property.

64. (1) The [5][executive authority] shall maintain an inventory of all immovable property owned by the municipal council or to which the council has a reversionary right.

(2) A copy of the said inventory shall be deposited in the office of the revenue divisional officer of the division in which the municipality lies, or, where there is no division, in the office of the district collector, and all changes shall be forthwith communicated to the said officer or collector.

Limitation of power to accept property in trust.

65. The council may accept trusts relating exclusively to the furtherance of [6][any purpose] to which the municipal fund may be applied.

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'with the consent of the municipal council make over to a municipal council' by section 47 (1) *ibid.*

[3] These words were substituted for the words 'such council' by section 47 (1) *ibid.*

[4] These words were inserted by section 47 (ii) *ibid.*

[5] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act X Vof 1933).

[6] These words were substituted for the word 'purposes' by section 48 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Objects not provided for by this Act.

66. The [1][Local Government] may, [2][with the consent of a municipal council, transfer to the council] the management of any institution or the execution of any work not provided for by this Act, and it shall thereupon be [3][lawful for the council to undertake such management or execution :]

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the council by the [1][Local Government].

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

67. 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 council.

Contracts.

Delegation of authority to contract and contractual powers of persons appointed by Government.

68. (1) The council may delegate to the chairman or a committee consisting of two or more members the power of making on its behalf any contract whereof the value or amount does not exceed [4][one thousand rupees :]

[5][Provided that in the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12-C, the power of making on behalf of the council all contracts whereof the value or amount does not exceed one thousand rupees shall be exercised by a committee consisting of the chairman, the commissioner and one member of the council elected by it ; and the council shall not exercise or delegate the power of making such contracts.]

(2) In respect of a contract whereof the value or amount exceeds [4][one thousand rupees] the sanction of the council for the making thereof should be obtained before the same is made.

(3) Notwithstanding anything in the two preceding sub-sections, any person appointed by the [1][Local Government] to carry any work into execution on behalf of a municipal

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[1] Those words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] Those words were substituted for the words 'with the consent of the council of any municipality, transfer to any municipal council' by section 49 *ibid.*

[3] Those words were substituted for the words 'lawful for such council to undertake the management of the institution or the execution of the work' by section 49 *ibid.*

[4] These words were substituted for the expression 'Rs. 500' by section 50 *ibid.*

[5] This proviso was added by section 10 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

council may, subject to such control as the [1][Local Government] may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution to the extent of the sum provided for such work ; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose to the extent aforesaid.

Mode of executing contracts.

69. (1) Every contract made by, or on behalf of council whereof the value or amount exceeds [2][one hundred rupees] shall be in writing and except in the case of contracts made under the provisions of sub-section (3) of section 68 shall be signed by two municipal councillors :

[3][Provided that in the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12 C, every such contract shall be signed by the commissioner.]

(2) A contract executed or made otherwise than in conformity with the provisions of this and the last preceding sections shall not be binding on the municipal council.

Establishment.

Establishment of municipal council.

[4] [**70.** (1) The sanction of the council shall be obtained for all proposals for fixing or altering the number, designations and grades of its officers and servants and the salaries, fees and allowances payable to them.

(2) Such proposals shall be taken in consideration by the council only at the instance of the [5][executive authority] and the council may sanction them with or without modifications :

Provided that no proposal adversely affecting any municipal officer or servant who has been in the permanent service of the municipality for more than five years and is drawing a salary of not less than fifty rupees per mensem, shall be considered except at a special meeting convened for the purpose and no such proposal shall be given effect to, unless assented to by at least one-half of the members then on the council.

[6][(3) Notwithstanding anything contained in sub-sections (1) and (2), the Local Government shall have power to

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the expression 'Rs. 100' by section 51 *ibid.*

[3] This proviso was added by section 11 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] This section was substituted for the original by section 52 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[5] Those words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[6] Sub-section (3) was added by section 3 of the Madras District Municipalities (Second Amendment) Act, 1934 (Madras Act IV of 1935).

fix or alter the number, designations and grades of, and the salaries, fees and allowances payable to, the officers and servants of any municipal council or any class of such officers and servants ; and it shall not be open to the municipal council to vary the number, designations, grades, salaries, fees or allowances as so fixed or altered, except with the previous sanction of the Local Government.]

The secretary, the health officer and the engineer.

[1][**71.** (1) [2][In any municipality which is neither included in Schedule IX nor notified under sub-section (1) of section 12-C] a post of secretary may be sanctioned by the council.

(2) Any municipal council, by special resolution may, and every council which during three consecutive years has realized an income of one hundred thousand rupees from ordinary receipts, shall, if so required by the Local Government, sanction a post of health officer and a post of municipal engineer.

(3) The salaries of these officers shall be fixed by the municipal council subject to the approval of the Local Government.

(4) Every secretary, health officer or engineer shall devote his whole time to the duties of his office and shall not engage in any other profession, trade or business.]

Filling up of the appointment of health officer or engineer.

72. (1) On the occurrence of a vacancy in, or after the creation of, an office of health officer or engineer an appointment shall be made thereto by the council subject to the approval of the [3][Local Government] within four months from the date on which the vacancy occurred or the office was created or, in the event of any appointment so made by the council not being confirmed by the [3][Local Government,] within thirty days of the date of the receipt by the council of the orders of the [3][Local Government].

(2) In default of an appointment being made by the council as aforesaid, the [3][Local Government] may, appoint a person to hold the office, and such appointment shall, for all purposes, be deemed to have been made by the municipal council.

(3) Pending the settlement of an appointment under sub-section (1) or (2) the municipal council may appoint a person to hold the office temporarily and may direct that the person so appointed shall receive such salary not exceeding the sanctioned salary of the post as it shall think fit.

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[1] This section was substituted by section 53 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'If, in any municipality, there is no salary attached to the office of chairman' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[1][(4) No such officer shall be removed from office except with the consent of the Local Government. Such consent shall be given if the 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 two-thirds of the sanctioned strength of the council.]

Filling up of appointments other than those specified in sections 12-C and 72.

[2][**73.** Save as provided in sections 12-C and 72, appointments to all posts under the municipal council the pay or the maximum pay of which exceeds [3][fifty rupees] per mensem shall be made [3][by a committee consisting of the Chairman, the Commissioner and one member elected by the Council], and appointments to all other posts under the council shall be made by the executive authority, subject to [4][any rules (including rules for the representation of different communities) which the Local Government may make in this behalf :]

Provided that in case of emergency—

(*a*) the executive authority may appoint temporarily such officers and servants as may in his opinion be required for the purposes of this Act and the employment of whom for any particular work has not been prohibited by any resolution of the municipal council ; and

(*b*) every appointment made under clause (*a*) shall be reported by the executive authority to the council at its next meeting.]

Power of Local Government to transfer officers and servants of municipalities.

Madras Act XIV of 1920.

Madras Act XIV of 1920

[5][**73-A.** (1) Notwithstanding anything contained in this Act or in the Madras Local Boards Act, 1920, the Local Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any local board constituted under the Madras Local Boards Act, 1920 :

Provided that such power shall be exercised after consulting the local bodies concerned.

(2) The Local Government shall have power to issue such general or special directions as they may think necessary for the purpose of giving due effect to transfers made under sub-section (1).]

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[1] This sub-section was added by section 54 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This section was substituted for the original by section 12 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] The words within square brackets were substituted for the words "eighty rupees" and "by the Council" respectively by section 3 of the Madras District Municipalities (Amendment) Act, 1935 (Madras Act XVIII of 1935).

[4] The words and brackets within square brackets were substituted for the words "any rules which the Local Government may make in this behalf" by section 4 of the Madras District Municipalities (Second Amendment) Act, 1934 (Madras Act IV of 1935).

[5] Section 73 A was added by section 5 *ibid.*

Powers of council to frame service regulations.

74. Subject to the [1][provisions of this Act and any rules which the Local Government may make in this behalf,] the council 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, [2][acting allowances and travelling 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—

(i) that the amount of any leave, [3][leave allowances, travelling allowances, pension or gratuity, provided for in such regulations] shall in no case without the special sanction of the [4][Local Government] exceed what would be admissible in the case of Government servants of similar standing and status ;

(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 municipal officers or servants.

75. Subject to the provisions of section 77 and to such control as may be prescribed by the [4][Local Government] the [5][executive authority] may [6][censure, fine, withhold promotion from,] reduce, suspend, remove or dismiss any municipal officer or servant [7][in its service] except a health officer or a municipal engineer for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.

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[1] These words were substituted for the words and figures 'provisions of sections 12, 17, 71 and 77 and any rules made by the Governor in Council' by section 56 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'and acting allowances' by section 56 (ii) *ibid.*

[3] These words were substituted for the words 'and leave allowances, gratuity or pension granted under these regulations' by section 56 (iii) *ibid.*

[4] These words were substituted for the words, 'Governor in Council' by section 2 (i) *ibid.*

[5] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[6] These words were substituted for the word 'fine' by section 57 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[7] These words were inserted by section 57 *ibid.*

76. The [1][executive authority] may grant leave to all municipal officers and servants. Power to grant leave to establishment.

[2][**76 A.** Notwithstanding anything contained in this Act— Power of Local Government to appoint health officers and municipal engineers.

(*a*) the Local Government may, by notification, take power to appoint the health officer or the municipal engineer in the case of any municipality or class of municipalities ;

(*b*) the Local Government may recover from the municipal council concerned the whole or such proportion of the salary and allowances paid to any such health officer or engineer and such contribution towards his leave allowances, pension and provident fund as the Local Government may, by general or special order, determine ;

(*c*) the Local Government may, at any time, withdraw any such health officer or engineer and appoint another in his place ; and

(*d*) the Local Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the health officers and engineers appointed under clause (*a*).]

77. (1) The [3][Local Government] may, on the application of any municipal council, place the services of any Government servant at the disposal of the council to be employed by it for the purposes of this Act. The council shall pay any Government servant so employed the salary he may be entitled to receive under the rules of the branch of Government service to which he belongs, and shall also pay the [3][Local Government] such contribution towards the pension and leave allowances of such servant as may be payable under the regulations in that behalf in force for the time being. Special provisions regarding Government servants lent to council.

(2) If such servant, while employed by the municipal council or if any other servant of the council does any work for Government, the [3][Local Government] shall contribute to the municipal fund so much of the salary of such servant as the [3][Local Government] may consider to be an equivalent for such work.

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] This section was inserted by section 2 of the Madras District Municipalities (Third Amendment) Act, 1933 (Madras Act XII of 1933).

[3] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(3) No Government servant employed by the municipal council under this section shall be dismissed from such employment without the consent of the [1][Local Government] or until three months' notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which such servant belongs.

(4) No Government servant employed by a municipal council shall, except in cases of emergency, be withdrawn from the service of the council without the consent of the municipal council, unless and until the [1][Local Government] shall have given three months' notice in writing to that effect to the municipal council or unless some other Government servant has been deputed to replace the one withdrawn.

(5) Government servants employed by municipal councils shall be entitled to leave and other privileges in accordance with the regulations applicable to the department of the general administration to which they belong.

Provincialization of any class of municipal officers or servants.

[2][**77-A.** (1) Notwithstanding anything contained in this Act, the Local Government may, by notification, constitute any class of officers or servants of municipal councils into a municipal service for the Presidency of Madras :

Provided that no notification shall be issued under this sub-section—

(i) unless all the municipal councils constituted under this Act have been consulted in respect thereof, and

(ii) unless a majority of the councils so consulted have passed a resolution supporting such issue.

(2) Upon the issue of a notification under sub-section (1), the Local Government shall have power, subject to the provisions of section 305-A, to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the municipal service thereby constituted and such rules may vest jurisdiction in relation to such service in the Local Government or in such other authority or authorities as may be prescribed therein.]

PART III.

CHAPTER VI.—TAXATION AND FINANCE.

Enumeration of ordinary taxes and powers of control of Local Government.

78. (1) Every municipal council may levy

(*a*) a property tax ;

[3][(*b*)] a profession tax ;

[3][(*c*)] a tax on carriages and animals ;

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This section was added by section 58 *ibid.*

[3] Clause (*b*) was omitted and clauses (c) to (*f*) were re-lettered as (*b*) to (*e*) respectively by section 59 (1) *ibid.*

[1][(*d*)] a tax on carts ;

[2][(*e*) (Omitted.)]

(2) A hill station municipal council may also levy a tax on servants.

(3) Any resolution of a municipal council determining to levy a tax [3][. . .] shall specify the rate at which any such tax [3][. . .] shall be levied and the date from which it shall be levied :

Provided that before [4][passing] a resolution imposing a tax [3][. . .] for the first time or increasing the rate of an existing tax [3][. . .], the council shall publish a notice [5][in the district gazette and at least one vernacular newspaper] of its intention, fix a reasonable period not being less than one month for submission of objections and consider the objections, if any, received within the period specified :

Provided also that any resolution abolishing an existing tax [3][. . .] or reducing the rate at which a tax [3][. . .] is levied shall be immediately reported to [6][the Local Government] and in municipalities which have an outstanding loan either from the Government or from the public or any other local body such abolition or reduction shall not be carried into effect without the sanction of the [7][Local Government] :

[8][Provided also that where any resolution under this section has taken effect for a particular year no proposals to alter the rates or date fixed in such resolution so far as that year is concerned shall be taken into consideration by the council.]

Special taxation.

79. With the previous sanction of the [7][Local Government] and the Governor-General in Council—

(*a*) a surcharge on income-tax payable under [9][any Act of the Indian Legislature for the time being in force] may be levied by any municipal council in lieu

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[1] Clause (*b*) was omitted and clauses (*c*) to (*f*) were re-lettered as (*b*) to (*e*) respectively by section 59 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This clause was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] The words ' or toll ' were omitted by Schedule I *ibid.*

[4] This word was substituted for the words ' carrying into effect ' by section 59 (ii) (*a*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[5] These words were inserted by section 59 (ii) (*b*) *ibid.*

[6] These words were substituted for the word ' Government ' by section 59 (iii) *ibid.*

[7] These words were substituted for the words ' Governor in Council ' by section 2 (i) *ibid.*

[8] This proviso was added by section 59 (iv) *ibid.*

[9] These words were substituted for the words and figures ' the Indian Income-tax Act, VII of 1918 ' by section 60 (i) *ibid.*

of [1][. . .] the profession tax in respect of the first seven classes of the persons liable therefor as specified in Schedule IV ; and

(*b*) a tax on persons [2][travelling by railway from any station notified under section 116 in or near the municipality] be levied by the council of any municipality which is resorted to by pilgrims :

[3][Provided that no portion of the proceeds of any tax levied under clause (*b*) shall be expended for purposes other than making arrangements for the health and comfort of the pilgrims or the improvement or development of the municipal area.]

Notification of new taxes.

80. When a municipal council shall have determined subject to the provisions of sections 78 and 79 to levy any tax [4][. . .] for the first time or at a new rate, the [5][executive authority] shall forthwith publish a notification in the district gazette and by beat of drum specifying the rate at which [6][the date from which and the period of levy, if any, for which such tax (. . . .)[4] shall be levied.]

The property tax.

Description and classes of property tax.

81. [7][(1) If the council by a resolution determines that a property tax shall be levied, such tax shall be levied on all buildings and lands within municipal limits save those exempted by or under this Act or any other law. The property tax may comprise—

(*a*) a tax for general purposes ;

(*b*) a water and drainage tax to provide for expenses connected with the construction, maintenance, repair, extension or improvement of water or drainage works heretofore provided or hereafter to be provided ;

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1 The words 'the tax on companies and of' were omitted by section 60 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

2 These words were substituted for the words 'entering or leaving the municipality by railway' by section 60 (ii) *ibid.*

3 This proviso was added by section 60 (iii) *ibid.*

4 The words 'or toll' were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

5 These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

6 These words were substituted for the words 'the tax or toll will be levied from a day to be specified in the notification' by section 61 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

7 This sub-section was substituted for the original by section 62 (i) *ibid.*

(*c*) a lighting tax to provide for expenses connected with the lighting of the municipality by gas or electricity ;

(*d*) a scavenging tax to provide for expenses connected with the removal of rubbish, filth or the carcasses of animals from private premises ; and

(*e*) a railway tax to be used solely for or to further the construction and maintenance of railways :

Provided that where the water and drainage tax is levied, the municipal council shall declare what proportion of the tax is levied in respect of water-works and the remainder shall be deemed to be levied in respect of drainage works and the proportion so declared shall also be specified in the notification published under section 80 :

Provided further that the railway tax shall not be levied unless its levy is determined by a resolution of the municipal council supported by not less than three-fourths of the members present at a meeting specially convened in that behalf, such resolution being confirmed after a period of six months by a like majority at a like meeting and sanctioned by the Local Government.]

(2) [1][Save as otherwise provided in this Act, these taxes] shall be levied at such percentages of the annual value of [2][lands or buildings or both] as may be fixed by the municipal council, subject to the provisions of section 78.

[3][(3) The municipal council may, in the case of lands which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to, buildings, levy these taxes at such percentages of the capital value of such lands or at such rates with reference to the extent of such lands, as it may fix :

Provided that such percentages or rates shall not exceed the maxima, if any, fixed by the Local Government and that the capital value of such lands shall be determined in such manner as may be prescribed.]

[3][(4) (*a*) The municipal council may, in the case of lands used exclusively for agricultural purposes, levy these taxes at such proportions as it may fix of the annual value of such lands as calculated in accordance with the provisions of section 79 of the Madras Local Boards Act, 1920.

Madras Act XIV of 1920.

(*b*) If such lands be occupied by tenants, the municipal council shall levy the taxes in equal shares, from the landholder and the tenant respectively.]

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[1] These words were substituted for the words ' These taxes ' by section 62 (ii) (*a*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words ' lands and buildings ' by section 62 (ii) (*b*) *ibid.*

[3] These sub-sections were inserted by section 62 (iii) *ibid.*

Method of assessment of property.

82. (1) Every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance 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, [1][in the case of buildings only,] 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—

[2][(*a*) in the case of

(i) any Government or railway building or

(ii) any building of a class not ordinarily let the gross annual rent of which cannot, in the opinion of the [3][executive authority], be estimated the annual value of the premises shall be deemed to be six per cent of the total of the estimated value of the land and the estimated present cost of erecting the building after deducting for depreciation a reasonable amount which shall in no case be less than ten per centum of such cost ; and]

(*b*) machinery [4][and furniture] shall be excluded from valuations under this section.

Exemption.

83. [5][(1) The following buildings and lands shall be exempt from the property tax :—

(*a*) places set apart for public worship and either actually so used or used for no other purpose, choultries, [6][buildings used for educational purposes including hostels, public buildings and places used for the charitable purpose of sheltering the destitute or animals, libraries and playgrounds which are open to the public and such ancient monuments protected under the Ancient Monuments Preservation Act, 1904, or parts thereof as are not used as residential quarters or as public offices ;] Act VII of 1904.

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[1] These words were inserted by section 63 (i) of the Madras District Municipalities (Amendment) Act, 1930, Madras Act X of 1930).

[2] This clause was substituted for the original clause (*a*) in the proviso by section 63 (ii) (*a*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] These words were inserted by section 63 (ii) (*b*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[5] Section 83 of the Act was renumbered as sub-section (1) of section 83 by section 64 (1) *ibid.*

[6] These words were substituted by section 64 (1) (i) *ibid.*

(*b*) charitable hospitals and dispensaries [1][and such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by the Local Government ;]

[2] [(*c*) burial and burning grounds included in the book kept at the municipal office under section 281 ;]

(*d*) buildings or lands belonging to the municipal council ;

(*e*) such property of Government not being buildings as may from time to time be notified by the [3] [Local Government] with the consent of the municipal council.

[4] [*Explanation.*—The exemption granted under this section shall not extend to residential quarters attached to schools and colleges not being hostels or to residential quarters attached to hospitals, dispensaries and libraries.]

[(2) The water and drainage tax shall not be levied on any land used exclusively for agricultural purposes and not deriving any benefit from the water or drainage works on account of which the tax is imposed.]

[5] [(3) The municipal council may with the previous sanction of the Local Government exempt any particular part of a municipality from the payment of the whole or a portion of the water and drainage tax or of the lighting tax on the ground that such area is not deriving full benefit from the water-supply and drainage or from the lighting system.]

[5] [(4) The municipal council may exempt any building or land from the whole or any portion of the scavenging tax if it is satisfied that the owner or occupier has made efficient arrangements for the daily removal therefrom of rubbish, filth and carcasses of animals.]

[5] [(5) The municipal 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 eighteen rupees, and

(ii) the proprietor does not own any other building or land assessed to the property tax and is not liable to profession or income tax.]

[6] [**84.** (1) The rate of any class of property tax on lands when levied on their annual value may be lower than the rate **Taxation to be uniform.**

[1] These words were inserted by section 64 (1) (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This clause was substituted for the original by section 64 (1) (iii) *ibid.*

[3] These words were substituted for the words 'Governor in Council' by section 2 (i) *ibid.*

[4] This explanation was inserted by section 64 (1) (iv) *ibid.*

[5] These sub-sections were added by section 64 (2) *ibid.*

[6] This section was substituted by section 65 *ibid.*

of the same class of property tax on buildings but either rate shall be uniform throughout the municipal area on all buildings or on all lands liable to be taxed on their annual value as the case may be :

Provided that the aggregate property tax leviable in the case of lighthouses, piers, wharves, jetties and passenger sheds, latrines, cart-stands, retiring rooms and platforms belonging to a railway administration shall not exceed 4 per cent of their annual value.

(2) The rate of any class of property tax shall be uniform throughout the municipal area on all lands liable to be taxed on their capital value.]

Property tax a first charge on property.

85. The property tax on buildings and lands shall, subject to the prior payment of 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 the same and belonging to the person liable to such tax.

Property tax when payable.

[1] [**86.** The property tax shall be levied every half-year and shall, save as otherwise expressly provided in Schedule IV, be paid by the owner of the assessed premises within thirty days after the commencement of the half-year.]

Vacancy remission.

[2][**87.** (1) When any building whether ordinarily let or occupied by the owner himself has been vacant and unlet for thirty or more consecutive days in any half-year, the [3] [executive authority] shall remit so much, not exceeding one-half of such portion of the tax as relates to the building only as is proportionate to the number of days during which the building was vacant and unlet in the half-year.

(2) Every demand for remission under sub-section (1) shall be made during the half-year in respect of which the remission is sought or in the following half-year and not afterwards.

[4] [(3) (*a*) No demand for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered notice to the executive authority—

(i) that the building is vacant and unlet ; or

(ii) that the building will be vacant and unlet from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.

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[1] This section was substituted by section 66 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This section was substituted for the original by section 67 *ibid.*

[3] These words were substituted for the word 'Chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] This sub-section was substituted for the original sub-section by section 6 of the Madras District Municipalities (Second Amendment) Act, 1934 (Madras Act IV of 1935).

(*b*) The period in respect of which the remission is made shall be calculated—

(i) if remission is sought in respect of the half-year in which notice is delivered, from the date of delivery of the notice or from the date on which the building became vacant and unlet, whichever is later ; and

(ii) if remission is sought in respect of the half-year succeeding that in which the notice is delivered, from the commencement of the half-year in respect of which remission is sought or from the date on which the building became vacant and unlet, whichever is later.

(*c*) Every notice under clause (*a*) shall expire with the half-year succeeding that during which it is so delivered, and shall have no effect thereafter.]

Obligation of transferor and transferee to give notice of transfer.

88. (1) Whenever the title of any person primarily liable to the payment of 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 executed, give notice of such transfer to the [1] [executive authority].

(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 [1] [executive authority] 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 [1] [executive authority] 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 [1] [executive authority] any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the [1] [executive authority] shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of 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 municipal council under section 85.

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[1] These words were substituted for the word ' chairman ' by section 17 1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Owner's obligation to give notice of construction, reconstruction or demolition of building.

[1] [**89.** (1) (*a*) If any building in a municipality is constructed or reconstructed, the owner shall give notice thereof to the [2] [executive authority] within fifteen days from the date of completion or occupation of the building, whichever is earlier.

(*b*) If such date falls within the last two months of a half year, the owner shall, subject to notice being given under clause (*a*) be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year.

(*c*) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (*a*), be entitled to a remission of so much not exceeding a half of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) (*a*) If any building in a municipality is demolished or destroyed, the owner shall, until notice thereof is given to the [2] [executive authority] be liable for the payment of the property tax which would have been leviable had the building not been demolished or destroyed.

(*b*) If such notice is given within the first two months of a half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only, for that half-year.

(*c*) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so much not exceeding a half of the tax payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year preceding the demolition or destruction as the case may be.]

Remission of tax in areas included or excluded in the middle of a half-year.

[1] [**90.** (1) If any area is included within a municipality the owner of every building or land in such area shall—

(*a*) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any property tax in respect thereof for that half-year ; and

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[1] These sections were substituted by section 68 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(*b*) if such date falls within the first four months of a half-year, be entitled to a remission of so much not exceeding a half of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) If any area is excluded from a municipality the owner of every building or land in such area shall be entitled—

(*a*) if the date of such exclusion falls within the first two months of a half-year, to a remission of the whole of the property tax payable in respect thereof for that half-year ; and

(*b*) if such date falls within the last four months of a half-year, to a remission of so much not exceeding a half of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(3) No remission shall be granted under sub-section (2) in respect of any building or land unless an application for such remission is made to the [1] (executive authority) within three months from the date of the exclusion of the area in which the building or land is situated.]

Power of executive authority to call for information and to enter upon premises.

91. (1) For the purpose of assessing the property tax, the [1] [executive authority] may, by notice, call on the owner or occupier of any land or building to furnish him, [2] [within thirty days after the service of the notice, where the notice is served upon the Government, a railway administration or a company and within seven days after such service in other cases,] with returns of the rent payable for the land or building, the cost of erecting the building and the measurements of the land [3] [and with such other information as the [1] (executive authority) may require ;] and every owner and occupier on whom 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 [1] [executive authority] may enter, inspect, survey and measure such building or land, after giving twenty-four hours' notice to the owner or occupier.

[4] [**92.** (Omitted.)] [4] [. . .]

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words ' within a week after the service of the notice ' by section 69 (*a*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] These words were inserted by section 69 (*b*) *ibid.*

[4] Section 92 and the heading thereto were omitted by section 70 *ibid.*

Profession tax.

Profession tax.

[1][**93.** (1) If the council by a resolution determines that a profession tax shall be levied—

every company which, after the date specified in the notification published under section 80, transacts business in the municipality for not less than sixty days in the aggregate in any half-year ; and every person, who after the said date, in any half-year—

(*a*) exercises a profession, art, or calling or transacts business or holds any appointment, public or private—

(i) within the municipality for not less than sixty days in the aggregate, or

(ii) without the municipality but who resides in the municipality for not less than sixty days in the aggregate, or

(*b*) resides in the municipality for not less than sixty days in the aggregate and is in receipt of any pension or income from investments

shall pay a half-yearly tax assessed in accordance with the rules in Schedule IV.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(3) If a company or person proves that it or he has paid the sum due on account of the profession tax levied under this Act, or under the Madras Local Boards Act, 1920, or the companies or profession tax levied under the Madras City Municipal Act, 1919, or any tax of the nature of a profession tax imposed under the Cantonments Act, 1924, for the same half-year to any municipal council or local board or cantonment authority in the Presidency of Madras, such company or person shall not be liable, by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to any other municipal council, local board or cantonment authority more than the difference between such sum and the amount to which it or he is otherwise liable for the profession or companies tax for the half-year under this Act, or any of the aforesaid Acts.

Madras Act XIV of 1920.

Madras Act IV of 1919.

Act II of 1924.

(4) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities liable to profession tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Local

[1] This section was substituted by section 71 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Local Government shall be final.]

[1][**94.** The profession tax leviable from a firm, association or joint Hindu family may be levied from any adult member of the firm, association or family.] Liability of members of firms, associations and joint Hindu families to profession tax.

[1][**94-A.** (1) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in a municipality, such company or person shall be deemed to transact business in the municipality and such servant or agent shall be liable for the profession tax, in respect of the business of such company or person, whether or not such servant or agent has power to make binding contracts on behalf of such company or person. Liability of servants or agents to profession tax.

(2) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession tax, on the same income as that of the principal.]

[2][**95.** If the profession tax due from any company or person is not paid, the [3] [executive authority] shall cause a notice to be served on such company or person to pay it within fifteen days of the date of such service.] Service of notice on failure of payment of tax.

[2][**95-A.** All statements made, returns furnished or accounts or documents produced in connexion with the assessment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.] Statements, returns, etc., to be confidential.

96. The [3][executive authority] 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, land, hotel, boarding or lodging house, club or Requisition on owner or occupier to furnish list of persons liable to tax.

[1] These sections were substituted for the original section 94 by section 72 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] Sections 95 and 95-A were substituted for the original section 95 and the heading occurring before that section by section 73 *ibid*.

[3] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] These words were substituted for the words 'persons occupying such building or land' by section 74 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

residential chambers] and specifying the profession, art, [1][. . .] calling, or appointment of every such person and the rent, if any, paid by him and the period of such occupation.

Requisition on employers or their representatives to furnish list.

97. The [2] [executive authority] 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, club, firm or company as officers, servants, dubashes, agents, suppliers, or contractors, with a statement of the salary or income of such employed persons, and

(*b*) to furnish particulars in regard to any [3] [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.

98. [4][(1) If the council by a resolution determines that a tax on carriages and animals shall be levied, the [2] [executive authority] shall levy the said tax half-yearly on carriages and animals kept within the municipality which are of the kinds specified in 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 Schedule IV.

Liability to tax according to period for which carriage or animal has been kept.

99. (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 [5][. . .] within the municipality for an aggregate period of not less than sixty days in the half-year.

(2) If such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half-yearly tax shall be leviable.

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[1] The word 'trade' was omitted by section 74 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] This word was substituted for the words 'incorporated company' by section 75 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] This sub-section was substituted by section 76 *ibid.*

[5] The words 'or let out for hire' were omitted by section 77 (1) *ibid.*

(3) If such aggregate period does not exceed fifteen days, no tax [1][shall be leviable] for the half-year.

(4) Every person having possession, custody or control of any taxable carriage or animal within the municipality shall, until the contrary is shown, be presumed to have kept the same within the municipality for sixty days in the half-year.

(5) Notwithstanding anything contained in sub-sections (1) and (2) no person shall be liable to tax 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.

100. The carriage and animal tax shall not be levied on— **Exemptions.**

(*a*) carriages and animals belonging to the Government and used for military purposes ;

(*b*) carriages and animals kept solely for sale by carriage-makers and dealers ;

(*c*) carriages which have been under repair or standing at a carriage-maker's during the whole of the half-year ;

(*d*) horses belonging to mounted officers as defined in paragraph 1 (*b*) of the Regulations for the Indian Defence Force and the soldiers who are members of Light Horse, Mounted Rifles or Mounted infantry regiments, squadrons or platoons ; [2][. . .]

[3][(*e*)] bicycles belonging to and solely used by bona fide members of cyclist sections of the Indian Defence Force, [4][. . .]

[3][(*f*)] animals which during the whole of the half-year have been kept in any institution for the reception of infirm animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year :

[5][Provided that the exemption under [6][clauses (*d*) and (*e*)] shall not extend to any officer or soldier who is not compelled by the exigencies of military duty to reside

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[1] These words were substituted for the words 'is leviable' by section 77 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The proviso to this clause of section 100 was omitted by section 78 *ibid.*

[3] Clause (*e*) was omitted and clauses (*f*) and (*g*) were re-lettered as (*e*) and (*f*), respectively, by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[4] The proviso to this clause of section 100 was omitted by section 78 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[5] This proviso was added by section 78 *ibid.*

[6] These words, letters and brackets were substituted for the words, letters and brackets 'clauses (*d*), (*e*) and (*f*)' by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

within municipal limits nor to more than one horse, [1][. . .] or one bicycle, as the case may be, for every such officer or soldier.]

Composition.

101. With the sanction of the council or in accordance with regulations framed by that body, the [2][executive authority] 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.

Forms to be sent to and returned by tax-payers.

102. (1) The [2][executive authority] shall send to every person supposed to have become liable to the payment of the [3][tax on carriages and animals] a printed table to be filled up with such information respecting the carriages and animals kept by him as the [2][executive authority] considers necessary for the assessment of the tax.

(2) Such table shall be filled up with such information in writing, and signed and dated, and returned within one week of its receipt to the municipal office by the person to whom it has been sent.

[4][(3) On the expiry of the period of one week referred to in sub-section (2), the [2][executive authority] shall cause a notice to be served on such person requiring him to pay within fifteen days of the date of such service the sum for which, in the opinion of the [2][executive authority] such person is liable on account of the tax on carriages and animals.]

Grant of licence on payment of tax.

103. When any person pays the amount of tax due in respect of any carriage or animal, the [2][executive authority] 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.

104. (1) The [2][executive authority] may direct that a municipal number shall be affixed—

(*a*) to every carriage let out for hire within the municipality, and

(*b*) to every bicycle and tricycle kept within the municipality :

Provided that no municipal number shall be requisite in the case of carriages to which a number must be affixed under the provisions of any special Act.

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[1] The words ' one motor-cycle ' were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[2] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] These words were substituted for the words ' carriage or animal tax ' by section 79 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] This sub-section was added by section 79 (ii) *ibid.*

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.

Tax on carts.

General provisions regarding cart-tax.

105. [1][(1) If the council by a resolution determines that a tax shall be levied on carts, the [2][executive authority] shall levy the said tax half-yearly at the rate (which shall not exceed four rupees per cart per half-year), fixed by the council and specified in the notification published under section 80 in pursuance of such resolution and from the date specified in such notification in respect of all carts kept within the municipality.]

(2) Every owner of any such cart shall register it once in every half-year in the municipal office.

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

(4) The [2][executive authority] shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(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.

(6) Such book shall be open to the inspection of any [3][person who pays any tax to the municipality] at all reasonable times without charge.

(7) This section shall not apply to carts belonging to the Government and used for military purposes, or carts kept solely for sale by cart-makers and dealers.

Power to remit tax.

106. The [2][executive authority] may remit any portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept [4][. . .] within the municipality 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.

[5][*Taxes leviable under sections* 98 *and* 105.]

Madras Act V of 1911.

Prepayment of municipal tax condition precedent to registration under Madras Act V of 1911.

[5][**106-A.** Where the Madras Hackney Carriage Act, 1911, is in force in any area of a municipality, the person appointed to perform the functions of the Commissioner under the said Act

[1] This sub-section was substituted by section 80 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] These words were substituted for the words 'tax-payer' by section 80 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] The words 'or let out for hire' were omitted by section 81 *ibid.*

[5] This heading and section were inserted by section 82 *ibid.*

in respect of such area shall, before registering any hackney carriage thereunder, satisfy himself that the municipal council has received payment of the tax, if any, due under section 98 or section 105, as the case may be, on account of the last preceding half-year and the current half-year.]

Powers to seize carriages and carts not bearing numbers.

Seizure of vehicles not bearing numbers.

107. (1) If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 104 or section 105, as the case may be, the [1] [executive authority] 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 [2][. . .] or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

(2) If the vehicle or animal seized be not claimed and the tax due thereon paid within ten days from the date of seizure, the [1][executive authority] 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 [1][executive authority] may direct ; and

(iii) a sum of one rupee on account of charges incurred in connexion with the seizure, detention and sale.

(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 [1][executive authority] may direct ; and

(iii) a sum of eight annas on account of charges incurred in connexion with the seizure and detention.

Tax on servants.

General provisions regarding servants' tax.

108. (1) [3][If a hill station municipal council by a resolution determines] that a tax shall be levied on servants, [4] [the [1] (executive authority) shall collect] a monthly tax from the

[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] The word 'motor-bicycle' was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] These words were substituted for the words 'if the chairman of a hill station municipality publishes a notification under section 80' by section 83 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] These words were substituted for the words 'he shall collect' by section 83 (i) *ibid.*

date and at the rates (which shall not exceed two rupees a month for each servant) fixed by the council and specified in the notification [1] [published under section 80 in pursuance of such resolution] from every employer of private menial and of domestic servants who is not liable for the profession tax or surcharge on the income-tax, or, as proprietor, for the property tax.

(2) The tax may differ for different classes of servants.

(3) The tax shall be payable at the full monthly rate for every servant employed for not less than fifteen days in the aggregate out of every thirty days from the commencement of the employment, and at a moiety of the monthly rate for every servant employed for less than fifteen days but not less than seven days in the aggregate during such periods.

(4) If the tax remains unpaid at the end of seven days or fifteen days, as the case may be, the [2] [executive authority] may serve upon the employer a notice requiring him to pay within three days from the service of such notice the sum for which he is believed to be liable, and may, on the expiry of such period, recover from the said employer the sum specified in such notice.

(5) Every person who has paid the servants' tax for any period in a half-year and has also paid the profession tax or surcharge on the income-tax or (as proprietor) the property tax in the same municipality for that half-year, shall be entitled to a refund of the sum paid as servants' tax.

Power to call for lists of servants.

109. The [2] [executive authority] may by notice require—

(*a*) every employer of private menial and domestic servants, and

(*b*) every secretary, owner or manager of a hotel, boarding or lodging house, club or residential chambers to furnish within a specified time a list in writing of the private menial and domestic servants employed by him or by every person resident in such place.

[3] [* * *]

110. [3] [Omitted.]

111. [3] [Omitted.]

112. [3] [Omitted.]

113. [3] [Omitted.]

114. [3] [Omitted.]

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[1] These words were inserted by section 83 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] Sections 110 to 114 and the heading thereto were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

Surcharge on the income-tax.

Assessment and recovery of surcharge on income-tax.

115. (1) The surcharge on income-tax shall be levied as an addition to the [1] [income-tax payable under any Act of the Indian Legislature for the time being in force] in respect of all income assessed within the municipality.

(2) The rate of surcharge shall be fixed annually by the council as a percentage of the income-tax payable :

Provided that—

(*a*) the rate shall in no case exceed fifty per centum ;

(*b*) the rate fixed on the introduction of the surcharge shall not exceed any percentage which the Governor-General in Council may have fixed in his order granting sanction under section 79 to the levy of the surcharge ; and

(*c*) the rate shall not on any subsequent occasion be enhanced without the previous sanction of the Governor-General in Council.

(3) The surcharge shall be recovered as if it formed an integral part of the income-tax due from the assessee and for the purposes of such recovery the provisions of [2][the Indian Income tax Act, 1922,] shall apply in so far as they are relevant and not inconsistent with the provisions of this Act.

(4) The amount of surcharge collected, together with a proportionate share of any sums levied under [3] [section 46 of the Indian Income-tax Act, 1922,] shall be paid to the municipal council subject to such deduction for expenses incurred in collection as the [Local Government] [4] may determine.

Pilgrim tax.

Levy of pilgrim tax.

[5] [**116.** (1) Where a municipality is resorted to by pilgrims, and the occasions for pilgrimage occur at intervals of years or only once or twice in a single year, a tax on persons leaving the municipality or its neighbourhood by railway, shall be levied only for a specified period in respect of each such occasion. Where occasions for pilgrimage are more frequent or a municipality is a place of pilgrimage of perennial resort, the tax may be levied throughout the year.

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1 These words were substituted for the words and figures 'tax payable under the Indian Income-tax Act, 1918' by section 87 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

2 These words and figures were substituted for the words and figures 'the Indian Income-tax Act, 1918' by section 87 (ii) *ibid.*

3 These words and figures were substituted for the words and figures 'section 36 of the said Act' by section 87 (iii) *ibid.*

4 These words were substituted for the words 'Governor in Council' by section 2 (i) *ibid.*

5 This section was substituted by section 88 *ibid.*

(2) The occasion and the period of levy of the tax shall, in consultation with the railway administrations concerned, and with the previous approval of the Local Government, be determined by the municipal council.

(3) If the council resolves that the tax shall be levied, such tax shall be collected from the date and during the period specified in the notification published under section 80 in pursuance of such resolution as a surcharge on the tickets of all passengers travelling by railway from any one of the railway stations in or near the municipality and named in such notification to any other railway station more than a specified distance therefrom.

(4) The rates at which the tax shall be levied on each class of tickets shall be determined by the municipal council but shall not exceed the rates in the following table :—

(1)	Tax					
	For limited periods. (2)			Throughout the year. (3)		
	RS.	A.	P.	RS.	A.	P
For first-class tickets	0	8	0	0	4	0
For second-class tickets	0	4	0	0	2	0
For intermediate class tickets ..	0	3	0	0	1	6
For third-class tickets	0	2	0	0	1	0

Provided that the rates leviable on season tickets, if any, shall be determined by the municipal council in consultation with the railway administrations concerned but shall not for a period of one month or any less period exceed six times the rates given in column (2) of the above table.

(5) The Local Government may make rules not inconsistent with this Act for regulating—

(i) the collection of the tax,

(ii) the payment thereof to the council concerned,

(iii) the deduction of any expenses incurred by railway administrations in the collection thereof, and

(iv) the decision of disputes—

(*a*) between municipal councils and between municipal councils and other local authorities, and

(*b*) with the previous sanction of the Governor-General in Council, between municipal councils and railway administrations in matters connected with the levy, collection or apportionment of the tax.]

General provisions regarding taxation and finance.

Power to exempt from taxes.

117. With the sanction of the [1] [Local Government] the municipal council may exempt any person or class of persons wholly or in part from the payment of any tax [2] [. . .] [3] [But nothing in this section shall be deemed to authorize the exemption of any person solely on the ground that he is a member of a municipal council.]

Power to write off irrecoverable taxes, etc.

[4] [**118.** The municipal council may write off any tax, [5] [. . .] fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connexion therewith, if in its opinion, such tax, [5] [. . .] fee, amount or sum is irrecoverable.]

Definition of municipal fund.

119. All moneys received by the municipal council 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 or other laws.

Budget estimate.

120. The municipal council shall [6] [before the end of December] in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget to the [1] [Local Government] before [7] [such date as may be fixed by them in that behalf]. The budget shall contain provision, adequate in the opinion of the [1] [Local Government], for the due discharge of all liabilities in respect of loans contracted by the council and for the maintenance of a working balance ; and if the budget as submitted to the [1] [Local Government] fails to make these provisions, the [1] [Local Government] may [8] [modify any part of the budget] so as to ensure that such provisions are made.

Revised or supplemental budget.

121. If in the course of a year a municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may submit a supplemental or revised budget provided that no

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The words 'or toll' were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] This sentence was added by section 89 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] This section was substituted by section 90 *ibid.*

[5] The word 'toll' was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[6] These words were substituted for the words 'in the month of February' by section 91 of the Madras District Municipalities (Amendent) Act, 1930 (Madras Act X of 1930).

[7] These words were substituted for the words 'the end of February' by section 91 *ibid.*

[8] These words were substituted for the words 'alter any part of it by section 91 *ibid.*

alteration shall be made without the consent of the [1] [Local Government] in the amount allotted for the service of debt or in the working balance.

Appointment of auditors of accounts.

122. The [1] [Local Government] 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.

Contributions to expenditure by other local authorities.

123. (1) If the expenditure incurred by the [1] [Local Government] or by any other municipality to which this Act applies or by any other local authority in the Presidency of Madras for any purpose authorized by or under Part II of Schedule IV is such as to benefit the inhabitants of a municipality, the municipal council may, with the sanction of the [1] [Local Government], make a contribution towards such expenditure.

(2) [1] [The Local Government] may direct a municipal council to show cause, within a month after receipt of the order containing the direction, why any contribution described in sub-section (1) should not be made.

(3) If the municipal council fails to show cause within the said period to the satisfaction of the [1] [Local Government,] the [1] [Local Government] may direct it to make such contribution as [2][they shall name,] and it shall be paid accordingly.

Application of Schedule IV.

124. The rules and tables embodied in Schedule IV shall be read as part of this Chapter.

Recovery of loans and advances made by the Local Government.

[3] [**124-A.** Notwithstanding anything contained in the Local Authorities Loans Act, 1914, the Local Government shall be entitled to recover in the manner provided by sub-section (4) of section 39 of this Act or by suit any loan or advance made to any municipal council for any purpose to which the funds of the said council may be applied under this Act.]

PART IV.—PUBLIC HEALTH—SAFETY AND CONVENIENCE.

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

Water-supply—Vesting of works and powers of municipal authorities.

Vesting of works in municipal councils.

125. (1) All public water-courses and springs and all public reservoirs, tanks, cisterns, fountains, wells, standpipes,

[1] These words were substituted for the words 'Governor in Council by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'as he shall name' by the schedule *ibid.*

[3] This section was inserted by section 92 *ibid.*

and other water-works existing at the time of the coming into force of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the municipal council or otherwise, and also any adjacent land (not being private property) appertaining thereto shall vest in the council and be subject to its control.

[1] [Provided that nothing contained in this section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.]

(2) [2] [The Local Government] may by notification limit or define such control or may assume the administration of any public source of water-supply and public land adjacant and appertaining thereto after consulting the municipal council and giving due regard to its objections, if any.

Construction and maintenance of water-works.

126. (1) The municipal council may, with the sanction of the [2] [Local Government,] direct the construction of such works as it deems fit without the limits of the municipality for supplying it with water and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains, standpipes, and other works as it may deem fit within the said limits for the use of the inhabitants.

(2) The council may cause existing works for the supply of water to be maintained and supplied with water, or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

Trespass on premises connected with water-supply.

127. It shall not be lawful for any person except with permission duly given and obtained to enter upon land belonging to or vested in a municipal council along which a conduit or pipe runs, or upon any premises connected with the water-supply.

Prohibition of building over water mains.

128. (1) Without the permission of the council 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 council may cause the same to be removed or otherwise dealt with as shall appear to it fit and the expenses thereby incurred shall be paid by the persons offending.

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[1] The proviso to section 125 (i) was added by section 7 of the Madras District Municipalities (Second Amendment) Act, 1934 (Madras Act IV of 1935).

[2] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Supply for domestic use.

Council to provide water for domestic use.

129. The municipal council shall, so far as the funds at its disposal may admit, provide a sufficient supply of water fit for the domestic use of the inhabitants.

Control over house-connexions.

130. All house-connexions, whether within or without the premises to which they belong, with any water-supply mains which may have been constructed by a municipal council shall be under the control of the council, 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 and regulations framed by the council in this behalf.

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

131. (1) In municipalities in which there is a pipe supply of water, the [1] [executive authority] may, at his discretion, 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 [1][executive authority] shall not, without the sanction of the council, 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 [1] [executive authority] that any dwelling-house assessed at an annual value of not less than two hundred 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 [1] [executive authority] 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.

(3) The cost of making the connexion 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 property 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 municipality or for any ornamental or mechanical purpose,

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(*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 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 the like and for baths used by such inmates.

(4) For all water supplied under this section in excess of a maximum determined by by-laws made by the council, payment shall be made at such times and on such conditions as may be laid down in such by-laws and shall be recoverable in the same manner as the property tax.

Private water-supply for non-domestic purposes.

Power of executive authority to supply water for non-domestic purposes at rates fixed by council.

132. (1) The [1] [executive authority] 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 a 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 determined by the council by general or special order.

Supply beyond limits of municipality.

Supply without the municipality.

133. The council may with the sanction of and on such terms (if any) as may be approved by the [2] [Local Government] supply water to a local authority or other person without the municipality.

Cutting off water-supply.

Power to cut off water-supply.

134. (1) The [1] [executive authority] may cut off the supply of municipal water from any premises—

(*a*) if the premises are unoccupied ;

(*b*) if any water-tax or any sum due for water for the cost of making a connexion or for the cost or hire of a meter or for 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 ;

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 Madras Act X of 1930).

(*c*) if, after receipt of a notice from the [1] [executive authority] 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 specified in any notice issued by the [1] [executive authority] 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 municipal water ;

(*f*) if the occupier refuses to admit the [1] [executive authority] 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 [1] [executive authority] doing such work, placing or removing such apparatus or making such examination or inquiry ;

(*g*) if any pipes, taps, works or fittings connected with the municipal water-supply are found on examination by the [1] [executive authority] 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 municipal 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 [1] [executive authority] 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 [1] [executive authority] shall cause water to be supplied as before on payment of the cost (if any) of re-connecting the premises with the municipal water-works.

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(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 council for reduction or stoppage of supply in certain cases.

135. The municipal council 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 any drought, or other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Lighting.

Provision for lighting public streets.

136. The municipal council shall, so far as the funds at its disposal permit, cause the public streets to be lighted and for that purpose shall provide such lamps and works as it thinks necessary.

Public drainage.

Maintenance of system of drainage by council.

137. The municipal council shall, so far as the funds at its disposal may admit, provide and maintain a sufficient system of public drains.

Private drainage.

Control over house-drains, privies and cess-pools.

138. All house drains whether within or without the premises to which they belong and all private latrines and cess-pools within the municipality shall be under the control of the municipal council but shall be altered, repaired cleansed, 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 and regulations framed by the council in this behalf.

Connexion of house-drain with public drains.

139. (1) The [1] [executive authority] 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 any public drain at a distance not exceeding three hundred feet therefrom at the applicant's expense.

(2) If there is a public drain or outfall within a distance not exceeding one hundred feet of the nearest point on any premises the [1] [executive authority] 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.

[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(3) If any premises are, in the opinion of the [1] [executive authority] 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 [1] [executive authority] may by notice direct the owner of the said premises to construct a cess-pool or septic tank or filters of such material, dimensions and description, in such position and at such level as the [1] [executive authority] thinks necessary, and to construct a drain or drains emptying into such cess-pool, tank or filters and to execute all such works as may be necessary in accordance with the by-laws and regulations :

Provided that—

(*a*) no requisition shall be made under this section on any person who has been exempted from payment of the property tax under [2] [sub-section (5) of section 83 ;]

(*b*) no person shall be required under this section to expend a sum exceeding five times the property tax on any such building, with the land assessed with it as part of the same premises, or in the case of buildings exempted under section 83, five times the property tax which would be payable on such building with the land which would be assessed with it to the property tax if such building were not exempt and if any amount exceeding the said sum is expended, the excess shall be borne by the council.

Executive authority may close or limit the use of existing private drains.

140. (1) Where a drain connecting any premises with a public drain or other place set apart by the municipal council for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the [1] [executive authority] adapted to the general drainage system of the municipality or of the part of the municipality in which such drain is situated, the [1] [executive authority] with the approval of the council 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 specifies in this behalf, be used for sullage and sewage only, or for water unpolluted with sullage

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words and figures were substituted for the words, figures and letter ' section 84, clause (*c*) ' by section 93 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

or 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 sullage or sewage, or for sullage and sewage.

(2) No drain may be closed, discontinued or destroyed by the [1] [executive authority] under clause (1) (*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 [1] [executive authority] and of any work done under clause (1) (*a*) shall be paid by the council.

Power of executive authority to drain premises in combination.

141. (1) When the [1] [executive authority] 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 [1] [executive authority] may, with the approval of the council, cause such group or block of premises to be drained by such method as appears to the [1] [executive authority] to be best suited therefor and the expenses incurred by the [1] [executive authority] in so doing shall be paid by the owners in such proportions as the council may decide.

(2) Not less than fifteen days before any work under this section is commenced, the [1] [executive authority] shall give 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 [1] [executive authority] under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

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

142. (1) Without the permission of the council, no person shall place or construct any fence building, culvert, drain-covering, drain 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.

[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(2) The [1] [executive authority] 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 344.

Construction of culverts or drain-coverings by owner or occupier.

143. (1) The [1] [executive authority] 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) All culverts or drain-coverings or pials maintained over side-channels or ditches by the owners or occupiers of adjacent buildings or lands shall be of such form and size and consist of such materials and be provided with such means of ventilation as the [1] [executive authority] may by notice require and shall be maintained and kept free from all obstruction at the expense of the said owners or occupiers.

Maintenance of troughs and pipes for catching water.

144. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the [1] [executive authority] 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 [1] [executive authority] may permit.

Public latrines.

Provision of public latrines and urinals.

145. The council shall, as far as the funds at its disposal may admit, 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.

Private latrines.

Provision of latrines by owner or occupier.

146. (1) The [1] [executive authority] 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.

(2) Every owner or occupier of the ground on which any group of six or more huts stands shall provide latrines of such description and number and in such position as the [1] [executive authority] may by notice require, within such time as may be fixed in the notice, for the use of the inhabitants of such huts.

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[1] These words were substituted for the word 'chairman' by section 17 (I) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Provision of latrines for labourers.

147. Every person employing workmen, labourers or other persons exceeding ten in number, shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number and in such position as the [1] [executive authority] may by notice require, within such time as may be fixed in the notice.

Provision of latrines for markets, cart-stands, cattle-sheds, choultry, etc.

148. The [1] [executive authority] may by notice require the owner or manager of a market, cart-stand, cattle-stand, choultry, theatre, railway station, dock, warf or other place of public resort within the time 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 position as may be specified in such notice.

Latrines to be screened from view and kept clean.

149. All latrines shall be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood and shall be kept clean and in proper order.

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.

150. The [executive authority] 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 municipality, and may place and maintain posts, poles, standards, brackets, or other contrivances to support wires and lights on any pole or post in the municipality 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 of 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 [1][executive authority] shall, with the sanction of the council, pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connexion with mains without permission.

151. (1) No person shall, without the permission of the [1][executive authority], make any connexion with any municipal cable, wire, pipe, drain or channel or with the house connexion of any other person.

[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(2) The [1][executive authority] may by notice require any connexion made in contravention of sub-section (1) to be demolished, removed, closed, altered or remade.

Powers in respect of works outside the municipality.

152. (1) The municipal council shall not undertake new works beyond the limits of the municipality without the sanction of the [2][Local Government].

(2) The council may in the execution and for the purpose of any works beyond the limits of the municipality sanctioned by the [2][Local Government] whether before or after the passing of this Act, exercise all the powers which it may exercise within the municipality throughout the line of the country through which conduits, channels, pipes, lines of posts and wires and the like run, and with the sanction of the [2][Local Government—]

(*a*) over any lake, tank or reservoir, from which a supply of water for drinking, for producing electric energy or for other purposes is derived, and over all lands within one mile of the high water level of any such lake, tank or reservoir,

(*b*) over any water-course from which a supply of water for drinking, for producing electric energy or for other purposes is derived, within one mile above and half a mile below any point at which water is taken for such use, and

(*c*) over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the municipality.

CHAPTER VIII.—SCAVENGING.

Municipality to arrange for the removal of rubbish and filth.

153. Every municipal council shall make adequate arrangements for—

(*a*) the regular sweeping and cleansing of the streets and removal of sweepings therefrom ;

(*b*) the daily removal of filth and the carcasses of animals from private premises ; and

(*c*) the daily removal of rubbish from dust-bins and private premises ; and with this object, it shall provide

(i) depots for the deposit of filth, rubbish and the carcasses of animals ;

(ii) covered vehicle or vessels for the removal of filth ;

(iii) vehicles or other suitable means for the removal of the carcasses of large animals and rubbish ;

(iv) dust-bins for the temporary deposit of rubbish.

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substitued for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

154. [1] [Omitted.]

155. [1] [Omitted.]

Contributions from persons having control over places of pilgrimage, etc.

156. [2] [Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or for other like purposes is situated within the limits of a municipality or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience whether permanent or temporary shall be made by the municipal council, and the council may require the trustee or other person having control over such place to make such recurring or non-recurring contribution as the Local Government may determine to the funds of the municipal council.]

Prohibition of improper disposal of carcasses, rubbish and filth.

157. No person shall after due provision has been made under section 153 by the municipal council for the deposit and removal of the same :

(*a*) deposit the carcasses of animals, rubbish or filth, in any street, or on the veranda of any building, or on any unoccupied ground alongside any street, or on any public quay, jetty or landing-place, or on the bank of a water-course or tank ; or

(*b*) deposit filth or carcasses of animals in any dust-bin or in any vehicle not intended for the removal of the same ; or

(*c*) deposit rubbish in any vehicle or vessel intended for the removal of filth save for the purpose of deodorizing or disinfecting the filth.

Prohibition against keeping filth on premises too long, etc.

[3][**158.**] No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours any filth on such premises or any building or on the roof thereof or in any out-building or any place belonging thereto, or fail to comply with any requisition of the [4][executive authority] as to the construction, repair, paving or cleansing of any latrine on or belonging to his premises.

[5][. . .]

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[1] This section was omitted by section 94 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This section was substituted by section 95 *ibid.*

[3] Sub-section (1) of section 158 was omitted and sub-section (2) was renumbered as section 158 by section 96 (1) *ibid.*

[4] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[5] The proviso to section 158 as renumbered was omitted by section 96 (2) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

159. No owner or occupier of any premises shall allow the water from any sink, drain, latrine or stable, or any other filth to flow out of such premises to any portion of a street except a drain or a cess-pool or to flow out of such premises in such a manner as to cause an avoidable nuisance by the soakage of the said water or filth into the walls or ground at the side of a drain forming a portion of a street. Prohibition against allowing outflow of filth.

160. No person shall, in the removal of filth, use any cart or receptacle not having a covering proper for preventing the escape of the contents thereof, or of the stench therefrom, or intentionally or negligently spill any filth in the removal thereof, or omit carefully to sweep and clean every place in which any such filth has been spilled, or place or set down in any public place any filth whether in a vessel closed or open. Prohibition against using any cart without cover in the removal of filth, etc.

161. No person shall put or cause to be put any rubbish or filth into any public drain not intended for rubbish or filth or into any drain communicating with any such public drain. Prohibition against throwing rubbish or filth into drains.

CHAPTER IX.—STREETS.

Public streets.

162. [1] [(1)] The municipal council shall, at the cost of the municipal fund, cause the public streets and bridges to be maintained and repaired and may from the same fund meet the cost of all improvements to the same which are necessary or expedient for the public safety or convenience. Maintenance and repair of streets.

[1] [(2) The council may entrust to any other local authority with the consent of such authority the maintenance of any public street or portion thereof, the cost of maintenance being provided by the council.]

163. (1) The council may— Powers of municipal authorities.

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

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

(*c*) turn, divert or with the special sanction of the [2] [Local Government] 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.

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[1] Section 162 was renumbered as sub-section (1) of section 162 and a new sub-section (2) was added by section 97 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words ' Governor in Council ' by section 2 (i) *ibid.*

Power to dispose of permanently closed streets.

164. (1) When a public street is permanently closed under section 163, the municipal council may, with the sanction of the [1] [Local Government,] dispose of the site or of so much thereof as is no longer required, in such manner as may be approved by the [1] [Local Government,] provided that due compensation is made 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.

165. (1) The council may 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 ; and

(*b*) any land outside the proposed street alignment, with the buildings, if any, standing thereupon :

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 municipal council an annual sum to be fixed by the council in that behalf, or a lump sum to be fixed by the council, not being less than twenty-five times such annual sum and subject to such conditions as the council 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.

(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 [2] [executive authority] may enter upon the land, and sell it, with any erections standing thereon, by public auction subject to the conditions, if any, imposed under sub-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.

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[1] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word ' chairman ' by section 17 1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(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 council 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.

(5) The council 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.

Power to prescribe building line and street alignment.

166. The council may—

(*a*) prescribe for any public street a building line or a street alignment or both ;

(*b*) from time to time define a fresh line in substitution for any line so defined or for any part thereof :

Provided that in either case—

(i) at least one month before the meeting of the council at which the matter is decided, public notice of the proposal has been given and special notice thereof has also been put up in the street or part of the street for which such line is proposed to be defined ; and

(ii) the council consider 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.

Buildings not to be constructed within street alignment or building line.

167. (1) No person shall construct any portion of any building within a street alignment defined under section 166.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 166 except with permission of the [1] [executive authority] who may when granting permission impose such conditions as the council may lay down for such cases.

Setting back projecting buildings or walls.

168. (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 166, the [1] [executive authority] 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.

[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(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 [1] [executive authority] or otherwise taken down, or when any private land without any building thereon lies within the street alignment, the [1] [executive authority] may forthwith take possession on behalf of the council of the portion of land within the street alignment 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 municipal council.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the [1] [executive authority] takes possession of any land under sub-section (2), the council 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.

169. The council may, upon such terms as it thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, 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 [1] [executive authority] is erected along the said line.

Projected streets.

170. (1) The council 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.

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1 These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(2) The width of such proposed streets shall not [1] [ordinarily] be less than forty feet, or in any area covered by huts, twenty feet :

[2] [. . .]

(3) It shall be the duty of the council 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 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 168 shall apply to all buildings, so far as they stand across the street alignment or building line of the projected street.

Watering of streets.

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

Temporary closure of streets.

172. The [3] [executive authority] may by an order in writing 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 of this Act :

Provided that such work shall be completed and such street reopened to traffic with all reasonable speed.

Protection of appurtenances and materials of streets.

173. It shall not be lawful for any person, without the permission of the [3] [executive authority], to displace, take up, or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

Power of municipality to recover expenses caused by extraordinary traffic.

174. When by a certificate of an officer of the Government Public Works Department of a rank not below that of Executive Engineer it appear to the council that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the municipal council in repairing a street by reason of the damage caused by excessive weight passing along, the street or extraordinary traffic thereon, the council may recover in the civil court having jurisdiction from any person by or in consequence of whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by such council by reason of the damage arising from such weight or traffic as aforesaid :

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[1] This word was inserted by section 98 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The proviso to sub-section (2) was omitted by section 98 (ii) *ibid.*

[3] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with the council for the payment to it of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section.

Licensing of motor vehicles plying for hire and motor lorries.

[1] [**174-A.** (1) No person shall use

(*a*) any motor vehicle for carrying passengers for hire or

(*b*) any motor lorry

on any public street in any municipality, except on a licence obtained from the [2] [executive authority].

[3] [(2) The municipal council may, with the previous approval of the Local Government, make regulations specifying the fees on payment of which, and the other conditions (including the rates of fares for passengers and of freight for goods which may be charged) subject to which, such licences may be granted.

[3] [(3) The fees chargeable under sub-section (2) shall not exceed the following maxima, namely :—

(*a*) in the case of a motor vehicle carrying passengers for hire.	twelve annas per seat (excluding the seat for the driver and the seat for the conductor) for each quarter or portion thereof ;
(*b*) in the case of a motor lorry not plying for hire.	one rupee four annas for each quarter or portion thereof ; and
(*c*) in the case of a motor lorry plying for hire—	
(i) not exceeding 30 cwt. in weight, unladen.	twenty-five rupees for each quarter or portion thereof ;
(ii) exceeding 30 cwt. but not exceeding 50 cwt. in weight, unladen.	thirty rupees for each quarter or portion thereof ;
(iii) exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen.	forty rupees for each quarter or portion thereof ;
(iv) exceeding 70 cwt. in weight, unladen.	fifty rupees for each quarter or portion thereof ; and
(v) additional fee chargeable in respect of such lorry if it is used for drawing trailers.	ten rupees for each trailer for each quarter or portion thereof ;

[1] This section was inserted by section 99 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] Sub-sections (2), (3) and (4) were substituted for the original sub-sections (2) and (3) by section 2 of the Madras District Municipalities and Local Boards (Amendment) Act, 1933 (Madras Act XXV of 1933).

Explanation.—The expressions 'quarter,' 'trailer' and 'unladen weight' in this sub-section shall have the same meaning as in the Madras Motor Vehicles Taxation Act, 1931.]

Madras Act III of 1931.

[1][(4) Licences may be granted for one or more quarters at a time, at the option of the owner of the vehicle, provided that the period shall in no case extend beyond the expiry of the year to which it relates.]

[2][(5)] (*a*) Any person aggrieved by an order of the [3][executive authority] under sub-section (1) may appeal against such order to the municipal council.

(*b*) The period of limitation for such appeal shall be—

(i) where the appeal is against an order refusing a licence,	fifteen days from the date of communication of the order to the applicant; and
(ii) where the appeal is against an order granting a licence,	thirty days from the date of publication of the order on the notice board of the municipal council.

Private streets.

Owner's obligation to make a street when disposing of land as building sites.

175. If the owner of any land utilizes, 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.

176. (1) Any person intending to make or lay out a new private street shall send to the municipal office 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 this Act 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 council.

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[1] *See* Footnote No. 3 on the previous page.

[2] The original sub-section (4) was renumbered as sub-section (5) and the original sub-section (5) was omitted by section 2 of the Madras District Municipalities and Local Boards (Amendment) Act, 1933 (Madras Act XXV of 1933).

[3] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(3) Within sixty days after the receipt of any application under sub-section (1) the council 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 council likely to be made, for carrying out any general scheme for the laying out of streets,

(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 council. 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 order shall not in any case be delayed for more than sixty days after the council 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 in the municipal office shall be deemed to have been sanctioned.

Alteration or demolition of street made in breach of section 176.

177. (1) If any person makes or lays out any street referred to in section 176 without or otherwise than in conformity with the orders of the council, the [1] [executive authority] 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 [1][executive authority] on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the [1] [executive authority] or if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before the [1] [executive authority] either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the [1][executive authority] why such street should not be so altered or demolished, the [1][executive authority] may pass an order directing the alteration or demolition of such street.

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

178. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, drained, conserved or lighted to the satisfaction of the [1][executive authority] 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 [1] [executive authority] 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 [1][executive authority].

Right of owners to require street to be declared public.

179. If any street has been levelled, paved, metalled, flagged, channelled, drained, conserved and lighted under the provisions of section 178 such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street.

Encroachment on streets.

Prohibition against obstructions in or over streets.

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

Public streets open to all.

[2] [**180-A** All streets vested in or to be vested in or maintained by a municipal council shall be open to persons of whatever caste or creed.]

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

181. (1) No door, gate, bar or ground-floor window, shall without a licence from the [1][executive authority] be hung or placed so as to open outwards upon any street.

(2) The [1][executive authority] 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.

182. (1) The [1] [executive authority] 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.

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] This section was inserted by section 2 of the Madras District Municipalities (Amendment) Act, 1929 (Madras Act XVII of 1929).

(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 any person a prescriptive title thereto or that it was erected or made with the permission or licence of any municipal authority duly empowered in that behalf, and that the period, if any, for which the permission or licence is valid has not expired, the municipal council 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.

183. (1) The council may grant a licence, subject to such conditions and restrictions as it may think fit, to the owner or occupier of any premises to put up verandas, balconies, sun-shades, weather-frames and the like, to project over a 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.

[1] [(2) The [2][executive authority] may grant a licence, subject to such conditions and restrictions as he may think fit, for the temporary erection of pandals and other structures in a public street vested in the council or in any other public place the control of which is vested in the council.]

[1] [(3) The council shall have power to lease roadsides and street margins vested in it for occupation on such terms and conditions and for such period as the council may fix.]

[1] [(4) But neither a licence under sub-section (1) nor a lease under sub-section (3) shall be granted if the projection, construction or occupation is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such.]

[1] [(5) The Local Government may, by notification, restrict and place under such control as they may think fit, the exercise by municipal councils in general or by any municipal council in particular, of the powers under sub-sections (1) and (3).]

[1][(6) On the expiry of any period for which a licence has been granted under this section, the [2][executive authority] may, without notice, cause any projection or construction put up under sub-section (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in section 344 from the person to whom the licence was granted.]

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[1] These sub-sections were substituted for the original sub-sections (2) and (3) by section 100 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Precautions during repair of streets.

184. (1) The [1][executive authority] shall during the construction or repair of any street, drain or premises vested in the municipal council.

(*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 [1][executive authority] shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The [1][executive authority] shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street, or premises and remove the rubbish occasioned thereby.

Prohibition against removal of bars and lights.

185. No person shall without lawful authority remove any bar, chain, post or shoring timber or remove or extinguish any light set up under section 184.

Prohibition against making holes and causing obstruction.

186. (1) No person shall make a hole or cause any obstruction in any street, unless, he previously obtains the permission of the [1][executive authority] and complies with such conditions as that officer 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.

Licence for work on buildings likely to cause obstruction.

187. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or footway is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the [1][executive authority] 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.

Clearing of debris of fallen houses, etc., by occupiers.

188. If any obstruction is caused in any street by the fall of trees, structures or fences, the owner or occupier of the premises concerned shall within twelve hours of the occurrence

[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

of such fall, or within such further period as the [1][executive authority] may by notice allow, clear the street of such obstruction.

Naming of streets.

Naming of public streets.

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

(2) The [1][executive authority] 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 the name of every public street.

(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 [1][executive authority].

Numbers on buildings.

Numbering of buildings.

190. (1) The [executive authority] 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 premises.

(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 [1][executive authority] may by notice require him to replace it.

Chapter X.—Building Regulations.

General powers.

Building rules.

191. (1) The [2][Local Government] 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

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(*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 filth ;

(*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.

Building-site and construction or reconstruction of buildings.

192. No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed 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 reconstruction of buildings :

Provided that the [1] [Local Government] may in respect of all municipalities or with the consent of the municipal council, in respect of any particular municipality or portion thereof, exempt all buildings or any class of buildings from all or any of the provisions of this chapter or the said rules.

[1] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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

193. (1) The council may give public notice of its 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 reconstructed shall, in respect of their architectural features, be such as the council 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 council.

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

(3) The council 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 [1][executive authority] 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 reconstruct any building in contravention of any such declaration.

Buildings at corner of streets.

194. (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 municipal council 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.

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

195. No external roof, veranda, pandal or wall of a building shall be constructed or reconstructed of grass, leaves, mats, or other inflammable materials except with the permission of the [1][executive authority]. Prohibition against use of inflammable materials for buildings without permission.

196. No door, gate, bar, or ground-floor window which opens on any public street shall be constructed or reconstructed so as to open outwards except with the [2][licence of the executive authority] under section 181. Prohibition against constructing doors, ground-floor windows and bars so as to open outwards.

Buildings other than huts.

197. (1) If any person intends to construct or reconstruct a building other than a hut he shall send to the [1][executive authority] Application to construct or reconstruct building.

(*a*) an application in writing for the 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 specification of the work.

[3] [*Explanation.*—'Building' in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.]

(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.

198. The [1][executive authority] shall not grant permission to construct or reconstruct a building unless and until he has approved of the site on an application made under section 197. Necessity for prior approval of site.

199. The construction or reconstruction of a building shall not be begun unless and until the [1][executive authority] has granted permission for the execution of the work. Prohibition against commencement of work without permission.

200. Within thirty days after the receipt of any application made under section 197 for approval of a site or of any information or further information required under rules or by-laws, the [1][executive authority] shall by written order either approve the site or refuse on one or more of the grounds mentioned in section 203 to approve the site. Period within which executive authority is to signify approval or disapproval.

[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words 'chairman's licence' by section 17 (2) *ibid.*

[3] This explanation was added by section 101 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

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

201. Within thirty days after the receipt of any application made under section 197 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 [1][executive authority] shall by written order either grant such permission or refuse on one or more of the grounds mentioned in section 203 to grant it :

Provided that the said period of thirty days shall not begin to run until the site has been approved under section 200.

Reference to council if executive authority delays grant or refusal of approval or permission.

202. (1) If, within the period prescribed by section 200 or section 201, as the case may be, the [executive authority] has neither given nor refused his approval of a building site, or his permission to execute any work, as the case may be, the council 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 council does not, within one month 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 reconstruct building may be refused.

203. The only grounds on which approval of a site for the construction or reconstruction of a building or permission to construct or reconstruct a building may be refused are the following, namely :—

(1) that the work, or 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 197 have not been signed as required under rules or by-laws ;

(4) that any information or documents required by the [1][executive authority] under rules or by-laws has or have not been duly furnished ;

(5) that streets or roads have not been made as required by section 175 ; or

(6) that the proposed building would be an encroachment upon Government or municipal land.

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Whenever the [1][executive authority] or the council refuses to approve a building-site for a building or to grant permission to construct or reconstruct a building, the reasons for such refusal shall be specifically stated in the order or resolution.

Lapse of permission.

204. If the construction or reconstruction of any building is not completed within the period specified the permission shall lapse and a fresh application shall be made before the work is continued.

Power of executive authority to require alteration of work.

205. (1) If the [1][executive authority] 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 by-law, rule, order or declaration made thereunder,

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 [1][executive authority] 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.

206. Notwithstanding anything contained in any of the preceding sections, the [1][executive authority] may at any time stop the construction or reconstruction of any building if in his opinion the work in progress endangers human life.

Wells.

Application of certain sections to wells.

207. The provisions of section 197, section 198, section 199, section 204, section 205, and section 206 shall, so far as may be, apply to a well.

Huts.

Application to construct or reconstruct huts.

208. (1) Every person who intends to construct or reconstruct a hut shall send to the [1][executive authority]—

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

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

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[1]These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(2) Every such application and plan shall contain the particulars and be prepared in the manner required by rule or by-law.

Prohibition against commencement of work without permission.

209. The construction or reconstruction of a hut shall not be begun unless and until the [1][executive authority] has granted permission for the execution of the work on an application sent to him under section 208.

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

210. Within fourteen days after the receipt of any application made under section 208 for permission to construct or reconstruct a hut or of any information or plan or further information or fresh plan required under rules or by-laws, the [1][executive authority] shall by written order either grant such permission or refuse on one or more of the grounds mentioned in section 212 to grant it.

Reference to council if executive authority delays passing orders.

211. (1) If, within the period prescribed by section 210, the [1][executive authority] has neither granted nor refused to grant permission to construct or reconstruct a hut, the council 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 council 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 reconstruct hut may be refused.

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

(1) that the work or 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 [1][executive authority] under rules or by-laws has not been duly furnished ;

(4) that streets or roads have not been made as required by section 175 ; or

(5) that the proposed building would be an encroachment upon Government or municipal land.

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[1]These words were substituted for the words ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Whenever the [1][executive authority] or the council refuses to grant permission to construct or reconstruct a hut the reasons for such refusal shall be specifically stated in the order or resolution.

Lapse of permission.

213. If the construction or reconstruction of any hut is not completed within the period specified the permission shall lapse and a fresh application shall be made before the work is continued.

External walls, alterations and additions.

Maintenance of external walls in repair.

214. 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 [1][executive authority].

Application of provisions to alterations and additions.

215. (1) The provisions of this chapter and of any rules or by-laws made under this Act relating to construction and reconstruction 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 dimension of a building or any room therein shall not be deemed an alteration or addition for the purposes of this section.

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

Powers of the [1][executive authority].

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

216. (1) If the [1][executive authority] is satisfied

(i) that the construction or reconstruction of any building or well—

(*a*) has been commenced without obtaining the permission of the [1][executive authority] or (where an appeal or reference has been made to the council) in contravention of any order passed by the council ; 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

[1]These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities Amendment) Act, 1933 (Madras Act XV of 1933).

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 205 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 215, 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 [1][executive authority], has been unlawfully executed or to make such alterations as may in the opinion of the [1][executive authority] be necessary to bring the work into conformity with the Act, by-laws, rules, direction or requisition as aforesaid, or with the plans and 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 [1][executive authority] 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 [1][executive authority], the [1][executive authority] may confirm the order with any modification he may think fit to make, and such order shall then be binding on the owner.

Exemptions.

Exemptions.

217. (1) 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 section 196 provided the building be wholly detached from, and situated at a distance of at least ten feet from, the nearest adjacent building.

(2) The [1][executive authority] may grant permission at his discretion on such terms as he may decide in each case to erect for a specified period temporary huts or sheds for stabling, for watching crops, for storing tools or materials, or for other similar purposes. On expiry of the period specified, the [1][executive authority] may by notice require the owner of such hut or shed to demolish it.

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[1]These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (**Madras Act XV of 1933**).

CHAPTER XI.—NUISANCES.

Dangerous structures, trees and places.

Precautions in case of dangerous structures.

218. (1) If any structure appears to the [1][executive authority] to be in a ruinous state and dangerous to the passers-by or to the occupiers of neighbouring structures the [1][executive authority] 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 [1][executive authority] 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 344.

(3) If in the [2][opinion of the executive authority] the said structure is imminently dangerous to the inmates thereof, the [1][executive authority] shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

Precautions in case of dangerous trees.

219. (1) If any tree or any branch of a tree or the fruit of any tree appears to the [1][executive authority] to be likely to fall and thereby endanger any person or any structure the [1][executive authority] 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 [1][executive authority] 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 344.

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

220. (1) If any tank, pond, well, hole, stream, dam, bank or other place appears to the [1][executive authority] to be for want of sufficient repair, protection or enclosure dangerous to the passers-by or to persons living in the neighbourhood, the [1][executive authority] 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,

[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words 'chairman's opinion by section 17 (2) *ibid.*

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 344.

Power to stop dangerous quarrying.

221. If in the opinion of the [1][executive authority] 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 [1][executive authority] may 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.

Precautions against fire.

222. (1) The [1][executive authority] may by notice require the owner of any structure, 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 highly inflammable materials to remove or alter such tent, booth, structure, roof, veranda, pandal or wall, or may grant him permission to retain the same on such conditions as the [1][executive authority] may think necessary to prevent danger from fire.

(2) The [1][executive authority] 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 [1][executive authority] 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 council by notice require the owner or occupier of the building to alter or reconstruct 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 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 permission of the executive authority.

223. (1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the [1][executive authority].

[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(2) The [1][executive authority] may grant permission subject to such conditions as he may deem necessary, or may, for reasons to be recorded by him, refuse it.

(3) If any such work is begun or completed without such permission, the [1][executive authority] 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 [1][executive authority] 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).

Filling in of pools, etc., which are a nuisance.

224. (1) If in the opinion of the [1][executive authority]—

(*a*) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cesspool, pit, water-course, 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 [1][executive authority] may by notice require the owner or person having control 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 [1][executive authority] shall direct or to take such order with the same for removing or abating the nuisance as the [1][executive authority] 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 [1][executive authority] within the time specified for compliance therewith written objections to such requisition the [1][executive authority] shall report such objections to the council, and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the council, but the [1][executive authority] 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 339 and, pending the council'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 [1][executive authority] shall determine with the approval of the council whether the expenses of any work

[1]These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

already done as aforesaid shall be paid by such owner or by the [1][executive authority] out of the municipal fund or shall be shared, and, if so, in what proportions.

Regulation or prohibition of certain kinds of cultivation.

225. The council on the report of the [2][Director of Public Health,] the Health Officer or the Local Medical 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 municipality is injurious to the public health may, with the previous sanction of the [3][Local Government] 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 absolute prohibition.

Cleansing of insanitary private tank or well used for drinking.

226. (1) The [1][executive authority] may, by notice require the owner of or person having control over any private watercourse, spring, tank, well or other place, the water of which is used for drinking, bathing or washing clothes to keep the same in good repair and to cleanse it of silt, refuse or vegetation and to protect it from pollution by surface drainage in such manner as the [1][executive authority] may think fit.

(2) If the water of any place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the [1][executive authority] to be unfit for the purpose, the [1][executive authority] 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 council in respect of public well or receptacle of stagnant water.

227. The municipal council shall maintain in a cleanly condition all wells, tanks and reservoirs which are not private property, and may fill them up or drain them when it appears necessary to do so.

Public wells, etc., open to all.

[4][**227-A.** All such wells, tanks and reservoirs when maintained by the municipal council shall be open to use and enjoyment by persons of whatever caste or creed.]

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[1]These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2]These words were substituted for the words ' Sanitary Commissioner ' by section 102 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3]These words were substituted for the words ' Governor in Council ' by section 2 (i) *ibid.*

[4]This section was added by section 3 of the Madras District Municipalities (Amendment) Act, 1929 (Madras Act XVII of 1929).

Prohibition against or regulation of washing animals or clothes or fishing or drinking in public water-courses, tanks, etc.

228. The council may, in the interests of the public health, regulate or prohibit the washing of animals, clothes or other things, or fishing in any public spring, tank, well, public water-course or part thereof within the municipality and may set apart any such place for drinking or for bathing or for washing clothes, or animals, respectively, or for any other specified purpose.

Provision of public wash-house.

229. (1) The council 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 it may determine.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms, conditions as it may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the council may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

Prohibition against washing by washermen at unauthorized places.

230. (1) The council may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the municipality or outside the municipality within three miles of the boundary thereof, except at—

(*a*) public wash-houses or places maintained or provided under section 229, or

(*b*) such other places as it 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 municipality.

Prohibition against defiling water of tanks, etc., whether public or private.

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

(*a*) bathe in or in any manner defile the water in any place set apart by the council or by the owner thereof for drinking purposes ; or

(*b*) deposit any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes ; or

(*c*) wash clothes in any place set apart as aforesaid for drinking or bathing ; or

(*d*) wash any animal or any cooking utensils or wool, skins or other foul or offensive substance or deposit any offensive or deleterious matter in any place set apart as aforesaid for bathing or washing clothes ; or

(*e*) cause or suffer to drain into or upon any place set apart as aforesaid for drinking, bathing or washing clothes, 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.

232. 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 [1][executive authority] becomes a nuisance, the [1][executive authority] 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.

233. The [1][executive authority] may by notice require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state, or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood, to clear, cleanse or otherwise put the land in proper state or to clear away and remove such vegetation, trees or undergrowth 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.

234. The [1][executive authority] may by notice require the owner or occupier of any building or land near the public street to—

(*a*) fence the same to the satisfaction of the [1][executive authority] ; 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 [1][executive authority] 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.

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[1]These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Control over insanitary buildings.

Lime-washing and cleansing of buildings.

235. The [1][executive authority] if it appears to him necessary for sanitary purposes so to do, may by notice require the owner or occupier of any building to limewash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the [notice].[2]

Further powers with reference to insanitary buildings.

236. (1) Whenever the [1][executive authority] 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 municipal council shall make 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.

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] This word was substituted for the word 'order' by section 103 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Buildings unfit for human habitation.

237. (1) If any building or portion thereof intended for or used as a dwelling-place appears to the [1][executive authority] to be unfit for human habitation, he may apply to the council to prohibit the further use of such structure for such purpose ; and the council may, after giving the owner and occupiers of the structure 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 [1][executive authority] 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 of such structure shall use or suffer it to be used for human habitation until the [1][executive authority] certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the council withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months the [1][executive authority] shall report the case to the council, which shall thereupon consider whether the structure should not be demolished. The council 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 council 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 of the structure 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 [1][executive authority] 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 [1][executive authority] considers that it can be so made fit, the [1][executive authority] may postpone the execution of the decision of the council 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.

238. (1) If it appears to the [1][executive authority] that any dwelling-house or other building which is used as a dwelling-place, or any room in such dwelling-house or building, is so overcrowded as to endanger the health of the inmates thereof,

[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

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 specified 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 council 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).

Control over certain animals.

Prohibition against feeding certain animals on filth.

239. No person shall feed or permit any animal, which is kept for dairy purpose or may be used for food, to be fed on filth.

Prohibition against keeping animal so as to be a nuisance or dangerous.

240. No person shall keep any animal on his premises so as to be a nuisance or so as to be dangerous.

Power to destroy stray pigs and dogs.

241. (1) The council may and, if so directed by the district magistrate, shall give public notice that unlicensed pigs or dogs straying within specified limits will be destroyed.

(2) When such notice has been given any person may destroy, in any manner not inconsistent with the terms of the notice, any unlicensed pig or dog (as the case may be) found straying within such limits.

General.

Power of executive authority to use or sell materials of dangerous structure taken down, etc., and procedure when there is no owner or occupier.

242. (1) When the [1][executive authority] 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, the [1][executive authority] may sell the materials or things taken down, cut down or removed, and apply the proceeds in or towards payment of the expenses incurred.

[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(2) If after reasonable inquiry it appears to the [1][executive authority] 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 the sale of such property (not being land) or of any portion thereof.

Limitation of compensation.

243. No person shall be entitled save as provided in sections 224, 225 and 236 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 licence.

244. Nothing in this chapter shall be construed as requiring the Government of India or the local Government to take out a licence in respect of any place in the occupation or under the control of or any property belonging to such Government.

Keeping of animals.

Licences for places in which animals are kept.

245. (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 [1][executive authority] for a licence for the use of the same for any such purpose of profit.

(2) The [1][executive authority] 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 Places of Public Resort Act, 1888. Madras Act II of 1888.

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

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

246. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the [1][executive authority] as regards their site, construction, materials and dimensions.

(2) The [1][executive authority] 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.

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(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 buildings as stable, cattle-shed or cow-house.

247. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the [1][executive authority] 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.

[**248.** Omitted.]

Industries and Factories.

Purposes for which places may not be used without licence.

249. (1) The council may publish a notification in the district gazette and by beat of drum that no place within municipal limits or at a distance within three miles of such limits shall be used for any one or more of the purposes specified in Schedule V without the [3][licence of the executive authority] and except in accordance with the conditions specified therein.

[4] [Provided that no such notification shall take effect

(*a*) until sixty days from the date of publication, and

(*b*) except with the previous sanction of the Local Government in any area outside the municipal limits.]

(2) The owner or occupier of every such place shall within thirty days of the publication of such notification apply to the [1] [executive authority] for a licence for the use of such place for such purpose.

(3) The [1][executive authority] may by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(4) Every such licence shall expire at the end of the year unless for special reasons the [1][executive authority] considers it should expire at an earlier date ; when it shall expire at such earlier date as may be specified therein.

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] This section was omitted by section 104 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] These words were substituted for the words ' chairman's licence ' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] This proviso was substituted for the original by section 105 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(5) Applications for renewal of such licences shall be made not less than thirty days before the end of every year and applications for licences for places to be newly opened shall be made not less than thirty days before they are opened.

Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed.

250. (1) Every person intending

(*a*) to construct or establish any factory, workshop or work-place in which it is proposed to employ steam-power, water-power or other mechanical power or electrical power, or

(*b*) to install in any premises any machinery or manufacturing plant driven by steam, water or other power as aforesaid,

shall, before beginning such construction, establishment or installation, make an application in writing to the municipal council for permission to undertake the intended work.

[1] [(2) The application shall be accompanied by—

(i) a plan of the factory, workshop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the Local Government, and

(ii) such particulars as to the power, machinery, plant or premises as the municipal council may require by by-laws made in this behalf.]

(3) The municipal council shall, as soon as may be after the receipt of the application,

(*a*) grant the permission applied for either absolutely or subject to such conditions as it thinks fit to impose or

(*b*) refuse permission, if it is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to cause a nuisance.

[2] [(4) Before granting permission under sub-section (3), the municipal council—

(*a*) shall obtain the approval of the inspector of factories appointed under the Indian Factories Act, 1911, having jurisdiction in the area of the municipality, or if there is more than one such inspector, of the inspector designated by the Local Government in this behalf by general or special order, as

Act XII of 1911.

[1] This sub-section was substituted by section 106 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This sub-section was substituted by section 106 (ii) *ibid.*

regards the plan of the factory, workshop, work-place or premises with reference to—

(i) the adequacy of the provision for ventilation and light,

(ii) the sufficiency of the height and dimensions of the rooms and doors,

(iii) the suitability of the exits to be used in case of fire, and

(iv) such other matters as may be prescribed by rules made by the Local Government ; and

(*b*) shall consult and have due regard to the opinion of the municipal health officer where the municipal council employs such an officer and of the district medical officer in other cases, as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.]

(5) The grant of permission under this section shall not be deemed to dispense with the necessity for compliance with the provisions of [1][sections 197 and 199 or sections 208 and 209, as the case may be.]

Council may issue directions for abatement of nuisance caused by steam or other power.

251. (1) If, in any factory, workshop or work-place in which steam-power, water-power or other mechanical power or electrical power is used, nuisance is in the opinion of the municipal council caused by reason of the particular kind of fuel employed or by reason of the noise or vibration created, the municipal council may issue such directions as it thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the municipal council may

(*a*) prohibit the use of the particular kind of fuel employed, or

(*b*) restrict the noise or vibration by prohibiting the working of the factory, workshop or work-place between the hours of 9-30 p.m. and 5-30 a.m.

Power of the Local Government to pass orders or give directions to municipal councils.

252. The [2][Local Government] may, either generally or in any particular case, make such order or give such directions as [3][they may deem fit] in respect of any action taken [4][or omitted to be taken] [5][. . .] under section 250 or section 251.

[1] These words and figures were substituted for the word and figures ' section 197 ' by section 106 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words ' Governor in Council ' by section 2 (i) *ibid.*

[3] These words were substituted for the words ' he may deem fit ' by the schedule *ibid.*

[4] These words were inserted by section 107 (i) *ibid.*

[5] The words ' by the municipal council ' were omitted by section 107 (ii) *ibid.*

The executive authority may enter any factory, workshop or work-place.

253. (1) The [1][executive authority] or any person authorized by him in this behalf may enter any factory, workshop or work-place—

(*a*) at any time between sunrise and sunset;

(*b*) at any time when any industry is being carried on; and

(*c*) at any time by day or by night, if he has reason to believe that any offence is being committed under section 250 or section 251.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for the purpose of effecting an entrance under this section.

Slaughtering.

Provision of municipal slaughter-houses.

254. (1) The municipal council shall provide a sufficient number of places for use as municipal slaughter-houses and may charge rents and fees for their use.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(3) Municipal slaughter-houses may be situated within or, with the sanction of the [2][Local Government], without the municipality.

Licence for slaughter-houses.

255. (1) The owner of any place [3][within municipal limits or at a distance within three miles of such limits] which is used as a slaughter-house for the slaughtering of animals or for the skinning or cutting up of any carcasses, [4][. . .] shall in the first month of every year or, in the case of a place to be newly opened, one month before the opening of the same, apply to the [1][executive authority] for a licence:

[5][Provided that this sub-section shall not take effect in any area outside the municipal limits except with the previous sanction of the Local Government.]

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] These words were substituted for the words 'in the municipality' by section 108 (i) *ibid.*

[4] The words 'or 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 municipality' were omitted by section 108 (i) *ibid.*

[5] This proviso was added by section 108 (ii) *ibid.*

(2) The [1][executive authority] 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.

256. The [1][executive authority] 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 as food.

257. No person shall slaughter within the municipality, except in a public or licensed slaughter-house, any cattle, horse, sheep, goat or pig for sale as food or skin or cut up any carcass without or otherwise than in conformity with a licence from the [1][executive authority] or dry or permit to be dried any skin in such a manner as to cause a nuisance :

Provided that the [1][executive authority] 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.

258. (1) No person shall without or otherwise than in conformity with a licence from the [1][executive authority]

(*a*) carry on within the municipality 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 municipality for the sale of milk or dairy-produce :

Provided that no such licence shall be given to any person who is suffering from a dangerous disease.

(2) Such licence may be refused or may be granted on such conditions as the [1][executive authority] may deem necessary which may extend to the construction, ventilation, conservancy, supervision and inspection of the premises, whether within or without municipal limits, where the animals from which the milk-supply is derived are kept.

Markets, butchers, fishmongers, hawkers.

Public markets.

259. All markets which are [2][acquired], constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets ; [3][and such markets shall be open to persons of whatever caste or creed].

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] This word was inserted by section 109 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] A semi-colon was substituted for the full stop at the end of the original section and these words were added by section 4 of the Madras District Municipalities (Amendment) Act, 1929 (Madras Act XVII of 1929).

Powers in respect of public markets.

260. (1) The council may provide places for use as public markets.

[1][(2) The council may in any public market levy any one or more of the following fees at such rates and may place the collection of such fees under the management of such persons as may appear to it proper or may farm out such fees on such terms and subject to such conditions as it may deem fit :—

(*a*) fees for the use of, or for the right to expose goods for sale in, such markets ;

(*b*) fees for the use of shops, stalls, pens or stands in such markets ;

(*c*) fees on vehicles or pack-animals carrying, or on persons bringing, goods for sale in such markets ;

(*d*) fees on animals brought for sale into, or sold in, such markets ; and

(*e*) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such markets.]

(3) The council may, with the sanction of the [Local Government,] close any public market or part thereof.

Control of the executive authority over public markets.

261. (1) No person shall, without the permission of [3][the executive authority] or if the [4][fees] have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) The [3][executive authority] may expel from any public market any person who or whose servant has been convicted of disobeying any by-laws at the time in force in such market and may prevent such person from further carrying on by himself or his servants or agents 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.

Licence for private market.

[5][**262.** (1) No person shall open a new private market or continue to keep open a private market unless he obtains from the council a licence to do so.

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[1] This sub-section was substituted by section 110 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words ' Governor in Council ' by section 2 (1) *ibid.*

[3] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] This word was substituted for the words ' rents and fees ' by section 111 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[5] This section was substituted by section 112 *ibid.*

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than six weeks before such place is opened as a market or before the commencement of the year for which the licence is sought, as the case may be.

(3) The council shall, as regards private markets already lawfully established and may, at its discretion, as regards new private markets, grant the licence applied for subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water supply, width of paths and ways, weights and measures to be used, and rents and fees to be charged in such market as the council may think proper ; or the council may refuse to grant any such licence for any new private market. The council may, however, at any time, for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The council may also modify the conditions of the licence to take effect from a specified date.

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

(5) Every licence granted under this section shall expire at the end of the year.]

Fee for licence.

[1][**262-A.** When a licence granted under section 262 permits the levy of any fees of the nature specified in sub-section (2) of section 260, a fee not exceeding fifteen per centum of the gross income of the owner from the market in the preceding year shall be charged by the municipal council for such licence.]

Sale in unlicensed private markets.

263. 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 council in respect of private markets.

264. The council may by notice require the owner, occupier, or farmer of any private market to—

(*a*) construct approaches, entrances, passages, gates, drains and cess-pits for such market and provide it with latrines of such description and in such position and number as the council may think fit ;

(*b*) roof and pave the whole or any portion of it or pave any portion of the floor with such materials as will in the opinion of the council secure imperviousness and ready cleansing ;

[1] This section was inserted by section 113 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(*c*) ventilate it properly and provide it with a supply of water ;

(*d*) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the council may direct ; and

(*e*) keep it in a cleanly and proper state and remove all filth and refuse therefrom.

Suspension or refusal of licence in default.

265. (1) If any person after notice given to him in that behalf by the council fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 264 the council may 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.

Prohibition against nuisances in private markets.

266. No owner, occupier, agent or manager in charge of any private market, or of any shop, stall, shed or other place therein shall keep the same so that it is a nuisance or fail to cause anything that is a nuisance to be at once removed to a place to be notified by the council.

Power to close private markets.

267. The council or any officer duly authorized by it in that behalf may close any private market in respect of which no licence has been applied for or [1][. . .] the licence for which has been refused, withheld or suspended [2][or which is held or kept open contrary to the provisions of this Act].

Acquisition of rights of private persons to hold private markets.

[3][**267-A.** (1) A municipal council may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act. Act I of 1894.

(2) On payment by the municipal council of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold a private market and to levy fees therein shall vest in the municipal council.]

Duty of expelling lepers, etc., from markets and power to expel disturbers.

268. The person in charge of a market shall prevent the entry therein or expel therefrom any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the

[1] The words 'any private market' were omitted by section 114 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were added by section 114 *ibid.*

[3] This section was inserted by section 115 *ibid*

same, handles any articles exposed for sale therein, and he may expel therefrom any person who is creating a disturbance therein.

Butcher's, fishmonger's and poulterer's licence.

269. (1) No person shall without or otherwise than in conformity with a licence from the [1][executive authority] 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 in any place within municipal limits or at a distance within three miles of such limits :

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 :

[2][Provided further that no licence shall be required for any place included in a public market as defined in section 167 of the Madras Local Boards Act, 1920.] Madras, Act XIV of 1920.

(2) The [1][executive authority] may, by an order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire at the end of the year in which it is granted unless for special reasons the [1][executive authority] considers it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein.

Power to prohibit or regulate sale of articles in public streets.

270. The [1][executive authority] may, with the sanction of the council, prohibit by public notice or licence, or regulate the sale or exposure for sale, of any [3][animals or] articles in or on any public street or part thereof.

Decision of disputes as to whether places are markets.

[4][**270-A.** If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, of livestock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products is a market or not the municipal council shall make a reference to the Local Government and the decision of the Local Government on the question shall be final.]

[5][*Cart-stands.*]

Provision of public cart-stands, etc.

[5][**270-B.** (1) The municipal council may construct or provide public landing places, halting places and cart-stands and may levy fees for the use of the same.

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1 These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

2 This proviso was added by section 116 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

3 These words were inserted by section 117 *ibid.*

4 This section was inserted by section 118 *ibid.*

5 This heading and sections 270-B to 270-E were inserted by section 118 *ibid.*

(2) A statement in English and a vernacular language of the district of the fees fixed by the council for the use of such place shall be put up in a conspicuous part thereof.

Explanation.—A cart-stand shall, for the purposes of this Act, include a stand for carriages [1][including motor vehicles within the meaning of the Indian Motor Vehicles Act, 1914 and animals.]

Prohibition of use of public place or sides of public street as cart-stand, etc.

[2][**270-C**. Where a municipal council has provided a public landing place, halting place or cart-stand, the [3][executive authority] may prohibit the use for the same purpose by any person within such distance thereof, as may be determined by the municipal council, of any public place or the sides of any public street.]

Recovery of cart-stand fees, etc.

[4][**270-D**. (1) If the fee leviable under sub-section (1) of section 270-B in respect of a vehicle or animal is not paid on demand, the person appointed to collect such fee 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 this value being insufficient to [5][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 [3][executive authority] or to such person as he may have authorized to receive and sell such property and the [3][executive authority] shall forthwith give notice to the proprietor of the property seized, or, if the proprietor is not known, or is not resident within the municipality to the person who was in charge of the said property at the time when it was seized, or, if such person cannot be found, publish by beat of drum, that after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice, the property will be sold by 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 fee, together with a sum of four annas on account of charges incurred in connexion with the seizure and

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[1] These words were inserted by schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[2] Sections 270-B to 270-E and the heading thereto were inserted by section 118 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] This section was substituted for the original section by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[5] These words were substituted for the words 'defray their amount' be section 10 (1) of the Madras Motor Vehicles Taxation (Amendment) Act, 1932 (Madras Act V of 1932).

detention, is tendered to the [1][executive authority] or other person authorized as aforesaid, the property seized shall be forthwith released.

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

(i) the amount due on account of the fee ;

(ii) such penalty not exceeding the amount of the fee as the [1][executive authority] may direct ; and

(iii) a sum of 8 annas on account of charges incurred in connexion with the seizure, detention and sale.]

[2][270-E. (1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the council a licence to do so. Licence for private cart-stand.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than six weeks before such place is opened as a cart-stand or before the commencement of the year for which the licence is sought, as the case may be.

(3) The council shall, as regards private cart-stands already lawfully established and may, at its discretion, as regards new private cart-stands, grant the licence applied for subject to such regulations as to supervision and inspection and to such conditions as to conservancy as the council may think proper ; or the council may refuse to grant any such licence for any new private cart-stand. The council may, however, at any time for breach of the conditions thereof suspend or cancel any licence which has been granted under this section. The council may also modify the conditions of the licence to take effect from a specified date.

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

(5) The council may levy for every licence granted under this section a fee not exceeding three hundred rupees per annum.

(6) Every licence granted under this section shall expire at the end of the year.]

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] Sections 270-B to 270-E and the heading thereto were inserted by section 118 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Inspection of places for sale, etc.

Duty of executive authority to inspect.

271. It shall be the duty of the [1][executive authority] 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 executive authority for purposes of inspection.

272. (1) The [executive authority] 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 [1][executive authority] 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 laws, by-laws or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against a [1][executive authority] or any person acting under his authority or the council 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 an 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 executive authority.

273. No person shall in any manner whatsoever prevent the [1][executive authority] or person duly authorized by him exercising his powers under the last preceding section.

Power of executive authority to seize diseased animals, noxious food, etc.

274. If any animal, poultry or fish intended for food appears to the [1][executive authority] or to a person duly authorized by him, to be diseased, or any food appears to him

[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

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 subject to the process of blowing shall be deemed to be noxious.

Removing or interfering with articles seized.

275. 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.

276. (1) When any animal or article of food is seized under section 274 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 sub-section (1) shall be paid by the owner or person in whose possession it was at the time of its seizure.

Production of articles seized before magistrate and powers of magistrate to deal with them.

277. (1) Articles of food, animals, poultry, fish, utensils, vessels, etc., seized under section 274 and not destroyed under section 276 shall as soon as possible be produced before a magistrate.

(2) Whether or not complaint is laid before a 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 274 he may order the same

(*a*) to be forfeited to the council ;

(*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 the dead.

278. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act, as a place for burying, burning, or otherwise disposing of the dead shall, if such place be not already registered, apply to the council to have such place registered.

(2) If it appears to the council that there is no owner or person having the control of such place it shall assume such control and register such place, or may, with the sanction of the [1][Local Government], close it.

Licensing of places for disposal of dead.

279. (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 council on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered, showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the council may require.

(3) The council may—

(*a*) grant or refuse a licence, or

(*b*) postpone the grant of a licence until objections to the site have been removed or any particulars called for by it have been furnished.

Provision of burial and burning grounds and crematoria within or without municipality.

280. (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 municipality, and may charge rents and fees for the use thereof.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(3) If the council provides any such place without the limits of the municipality, all the provisions of this Act and all by-laws framed under this Act for the management of such places within the municipality shall apply to such place.

Register of registered, licensed and provided places and prohibition of use of other places.

281. (1) A book shall be kept at the municipal office in which the places registered, licensed, or provided under sections 278, 279 or 280 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) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided, as aforesaid.

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Report of burials and burnings.

282. 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 any person appointed by the [1][executive authority] in that behalf.

Prohibition against use of burial and burning grounds dangerous to health or over-crowded with graves.

283. (1) If the council is satisfied—

(*a*) that any registered or licensed place for the disposal of the dead is in such a state or situation as to be or to be likely to become, 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

it may, with the previous sanction of the [2][Local Government] 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 in the district gazette and by beat of drum.

(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.

Prohibitions in respect of corpses.

284. No person shall—

(*a*) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonry or otherwise, in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a less depth than five feet from the surface of the ground ; or

(*b*) build or dig or cause to be built or dug any grave in any burial ground at a less distance than two feet from the margin of any other existing grave ; or

(*c*) without the sanction in writing of the [1][executive authority] or an order in writing of a magistrate, re-open a grave already occupied ; or

(*d*) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground, and not cause the burial or burning of the same to commence within six hours after its arrival at such place ; or

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[1] These words were substituted for the word 'Chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(*e*) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothes to remain without being completely reduced to ashes ; or

(*f*) carry through any street a corpse or part thereof not decently covered ; or

(*g*) while carrying a corpse or part thereof within the municipality leave the same in or near any street for any purpose whatever ; or

(*h*) remove, otherwise than in a closed receptacle, any corpse or part thereof kept or used for the purpose of dissection.

Grave-diggers' licence.

285. 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 [1][executive authority]. Such licence may be withdrawn or cancelled at the discretion of the council.

CHAPTER XIII.—VITAL STATISTICS AND THE PREVENTION OF DISEASE.

Vital statistics.

Compulsory registration of vital statistics.

286. (1) The municipal council shall register all births and deaths occurring in the municipality.

(2) [2][Information of births and deaths shall be given and their] registration shall be made and enforced in the prescribed manner.

Dangerous diseases.

Definition of 'dangerous disease.'

287. 'Dangerous disease' means a disease specified in Schedule VI.

Obligation of medical practitioner or owner or occupier of house to report dangerous disease.

288. (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 municipality, he shall inform the [executive authority] with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the [1][executive authority] may require. The [executive authority] may pay a fee not exceeding one rupee for each intimation by a private medical practitioner of a case occurring in his practice.

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[1] These words were substituted for the word 'Chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the word 'such' by section 119 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(3) This section shall apply to a hakeem or a vaidyan.

(4) With the previous approval in all cases of the collector of the district the [1][executive authority] 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 [1][executive authority] may prescribe of all deaths from or occurrence of dangerous diseases in his house.

Power of entry into suspected places.

289. The [1][executive authority] [2][or health officer] 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 reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place.

Disinfection of buildings and articles.

290. (1) If the [1][executive authority] [3][or health officer] is of opinion that the cleansing or disinfecting of any premises or 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 occupier to cleanse or disinfect the same in the manner and within the time specified in such notice.

(2) If the [1][executive authority] [3][or health officer] considers that immediate action is necessary, or that the occupier is, by reason of poverty or otherwise unable effectually to comply with his requisition, the [1][executive authority] [3][or health officer] may himself, without notice, cause [4][such premises or article] to be cleansed or disinfected and for this purpose may cause such article to be removed from the premises; and the expenses incurred by the [1][executive authority] [3][or health officer] shall be recoverable from said occupier in cases in which he is, in the opinion of the [1][executive authority] [3][or health officer], not unable by reason of poverty effectually to comply with such requisition.

Provision of places for disinfection and power to destroy infected articles.

291. (1) The [1][executive authority] shall from time to time notify places at which conveyances, clothing, bedding, or other articles which have been exposed to infection from any dangerous disease shall be washed or disinfected.

(2) The [1][executive authority] may direct any clothing, bedding or other articles likely to retain such infection to be disinfected or destroyed and shall, on demand, give compensation for any article destroyed under this sub-section.

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[1] These words were substituted for the word 'Chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were inserted by section 120 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] These words were inserted by section 121 (i) *ibid.*

[4] These words were substituted for the words 'such building or article' by section 121 (ii) *ibid.*

(3) No person shall wash such clothing or bedding or other articles in any places other than those set apart for such purposes under sub-section (1).

Prohibition against transfer of infected articles.

292. 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 sub-section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

Power of council to prohibit use of water likely to spread infection.

293. If the chief medical officer of the district, the health officer or the local medical officer certifies that the water in any well, tank or other place within the limits of the municipality is likely, if used for drinking, to engender or cause the spread of any dangerous disease, the council may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

Executive authority may order removal of patients to hospital.

294. When a hospital or other place for the reception of persons suffering from dangerous diseases is provided by the municipal council the [1][executive authority] may, on a certificate signed by a medical practitioner registered under the Madras Medical Registration Act, 1914, arrange for, or direct the removal to such hospital or place of any person suffering from a dangerous disease who is, in the opinion of such medical practitioner, without proper lodging or accommodation, or without medical supervision directed to prevent the spread of the disease, or who is in a place occupied by more than one family.

Prohibition against infected person carrying on occupation.

295. If any person knows or has been certified by the health officer, the local medical officer, or a registered medical practitioner that 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.

296. (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.

[1] These words were substituted for the word ' Chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(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, anything in any Act relating to public conveyances for the time being in force to the contrary notwithstanding.

(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.

Letting of infected buildings.

297. (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 any dangerous disease without having the same and all articles therein liable to retain infection disinfected to the satisfaction of the [1][executive authority].

(2) For the purpose 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.

Power to order closure of places of public entertainment.

298. In the event of the prevalence of any dangerous disease within the municipality, the council may 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 it may fix.

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[1] These words were substituted for the word ' Chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Minor suffering from dangerous disease not to attend school.

299. 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 or the local medical 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, the local medical officer or a registered medical practitioner a certificate that in his opinion such minor may attend without undue risk of communicating such disease to others.

No fee shall be charged by the health officer or the local medical officer for the grant of a certificate under this section.

Smallpox.

Vaccination.

300. (1) Vaccination shall be compulsory in every municipality [1] [in respect of such persons and to such extent as may be prescribed.]

(2) The procedure prescribed in such rules for enforcing vaccination shall be observed.

Obligation to give information of smallpox.

301. Where an inmate of any dwelling place 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 [2] [executive authority] with the least practicable delay.

Prohibition of inoculation for smallpox.

302. (1) Inoculation for smallpox is hereby prohibited.

(2) No person who has undergone the operation of inoculation shall enter any municipality 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 Local Government to make rules.

303. (1) The [3] [Local Government] may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

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[1] These words were substituted for the words 'to the extent prescribed by rules made by the Governor in Council' by section 122 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word 'Chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(2) In particular and without prejudice to the generality of the foregoing power [1] [they may make rules—]

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed ;

[2] [(*b*) with reference to all matters not expressly provided for in this Act, relating to the elections of chairman, vice-chairman or councillors including deposits to be made by candidates standing for election as councillors and the conditions under which such deposits may be forfeited ;

Provided that the deposit required shall not exceed one hundred rupees ; and

Provided further that no deposit shall be required from any Adi-Dravida candidate ;]

[3] [(*c*) Omitted.]

(*d*) as to the conditions on which property may be acquired by the municipal council or on which property vested in or belonging to the municipal council may be transferred by sale, mortgage, lease, exchange or otherwise ;

(*e*) as to the [4] [working] of provident funds ;

(*f*) as to the matters mentioned in rule 37 of the Taxation and Finance Rules in Schedule IV ; as to the conditions on which grants-in-aid shall be paid from the municipal fund for purposes of education and medical relief and as to the conditions on which grants and loans may be made to co-operative building societies ;

(*g*) as to the intermediate offices, if any, through which correspondence between the municipal authorities and the [5] [Local Government] or officers of the Government shall pass ;

(*h*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the municipal council and the power of the municipal authorities or Government officers [6] [. . .] to accord professional or administrative sanction to estimates ;

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[1] These words were substituted for the words ' he may make rules ' by the schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This clause was substituted for the original clauses (*b*) and (*c*) by section 123 (i) *ibid.*

[3] Clause (*c*) was omitted by section 123 (i) *ibid.*

[4] This word was substituted for the words ' establishment and maintenance ' by section 123 (ii) *ibid.*

[5] These words were substituted for the words ' Governor in Council ' by section 2 (i) *ibid.*

[6] The words ' or the Sanitary Board ' were omitted by section 123 (iii) *ibid.*

(*i*) as to the accounts to be kept by the municipal council, the manner in which such accounts shall be audited and published and as to the conditions under which the ratepayers may appear before auditors, inspect books and vouchers and take exception to items entered or omitted therein ;

(*j*) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by municipal councils ;

(*k*) as to the mode in which the officers of Government shall advice and assist municipal councils in carrying out the purposes of this Act ;

(*l*) as to the interpellation of the chairman by the members of the council ;

(*m*) as to the moving of resolutions at the meetings of the council ;

[1] [(*n*) for regulating the sharing between local authorities in the Presidency of Madras of the proceeds of the profession tax, surcharge on income-tax, tax on carriages and animals, tax on carts, [2][. . .] and other taxes or income, levied or obtained under this or any other Act ;]

[3] [(*o*) Omitted.]

(*p*) as to the form of registers and returns of births and deaths and 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 ;

[4] [(*q*) as to the transfer of allotments entered in the sanctioned budget of a municipal council from one head to another ;]

[4] [(*r*) as to the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries, to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence ; and]

[4] [(*s*) for determining the cost of buildings and lands.]

(3) In making any rule the [5] [Local Government] may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

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[1] This clause was substituted by section 123 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The word 'tolls' was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] Clause (*o*) was omitted by section 123 (v) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] Clauses (*q*), (*r*) and (*s*) were added by section 123 (vi) *ibid.*

[5] These words were substituted for the words 'Governor in Council' by section 2 (i) *ibid.*

Making of rules after previous publication.

[1] [**304.**] The power to make rules under [2] [section 303] is subject to the following conditions :—

(*a*) A draft of the rules shall be published in the *Fort St. George Gazette.*

(*b*) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the [3] [Local Government] may appoint.

(*c*) All rules made under [2] [section 303] shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act.

Power of Local Government to alter schedules.

[4] [**305.** (1) The Local Government may make rules altering, adding to or cancelling any of the following Schedules to this Act, namely :—

Schedules II, III, IV, V and VI.

(2) The Local Government may by notification under sub-section (1) of section 12-C include any municipality in Schedule IX but shall not remove therefrom any municipality so included.

(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 (1) or sub-section (2), as the case may be.]

Procedure for the making of rules under sub-section (2) of section 77-A and section 305.

[5] [**305-A.** A draft of the rules proposed to be made under sub-section (2) of section 77-A or under [6] [sub-section (1) of section 305] shall be laid on the table of the Legislative Council and the rules shall not be made unless the Legislative Council approves the draft either without modification or addition or with modifications or additions ; but upon such approval being given, the rules may be made in the form in which they have been approved and such rules on being so made shall be notified in the *Fort St. George Gazette* and shall thereafter be of full force and effect.]

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[1] Original sections 304 and 305 were renumbered as sections 305 and 304 respectively by section 124 (1) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The word and figures 'section 303' were substituted for the words and figures 'sections 303 and 304' by section 124 (2) *ibid.*

[3] These words were substituted for the words 'Governor in Council' by section 2 (i) *ibid.*

[4] This section was substituted by section 13 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[5] This section was inserted by section 124 (3) (*b*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[6] These words and figures were substituted for the word and figures 'section 305' by section 14 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

By-laws.

Power of council to make by-laws.

306. The council may make by-laws, not inconsistent with this Act or with any other law to provide—

[1] [(1) for all matters expressly required or allowed by this Act to be provided for by by-law ;]

[2] [(1-A)] 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 [3] [and duties] under this Act ;

[4] [(2-A) for determining the conditions under which lands shall be deemed to be appurtenant to buildings ;]

(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 council'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 cess-pools, septic tanks, filters and drains ;

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[1] This clause was inserted by section 125 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The original clause (1) was renumbered as clause (1-A) by section 125 (i) *ibid.*

[3] These words were substituted for the words 'duties and tolls' by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[4] This clause was inserted by section 125 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(*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 purposes 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 V 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 municipality or at any slaughter-house without the municipality provided or licensed by the municipal council ;

(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 and for enforcing the cleanliness of persons employed in the milk trade ;

(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 ;

[1] [(*c*) for licensing and controlling brokers, commission agents, weighmen and measurers practising their calling in markets ;]

(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 council ;

(*c*) for the verification of deaths and the causes of death ;

(*d*) for the period for which corpses must be kept for inspection ;

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[1] This sub-clause was added by section 125 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(*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 ;

[1][(23-A) for the training and licensing of dhais and midwives ;]

(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 municipality and for carrying out all the purposes of this Act.

Power to give retrospective effect to certain by-laws.

307. 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 this Act.

Penalty for breaches of by-laws.

308. In making a by-law, the municipal 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 [2][executive authority] to discontinue such breach.

Conditions precedent to making of by-laws.

[3] [**309.** The municipal council shall, before making or altering by-laws, publish a draft of the proposed by-laws and alterations together with a notice specifying a date at or after which such draft will be taken into consideration, and shall,

[1] This clause was inserted by section 125 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word 'Chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] Sections 309 and 310 were substituted by section 126 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

before making the by-laws or alterations, receive and consider any objection or suggestion which may be made in respect of such draft by any person interested therein before the date so specified.]

Confirmation of by-laws by Local Government.

[1] [**310.** (1) No by-law or cancellation or alteration of a by-law shall have effect until the same shall have been approved and confirmed by the Local Government.

(2) Any by-law or cancellation or alteration of a by-law when it shall have been duly confirmed shall be published in the district gazette in English and shall come into operation three months after it has been so published.]

Publication of rules, by-laws and regulations.

Copies of Act, rules and by-laws, to be sold at municipal office.

311. Complete copies in English and in a vernacular language of the district—

(*a*) of this Act,

(*b*) of all rules framed by the [2] [Local Government] under [3] [clause (*b*) of sub-section (2) of section 303], and

(*c*) of all by-laws in force for the time being, shall be kept at the municipal office and shall be sold to the public at cost price.

Publication of regulations.

312. Regulations made by the municipal authorities under this Act shall be published in such manner as the council may determine.

CHAPTER XV.—PENALTIES.

General provisions regulating penalties specified in the schedule.

313. (1) Whoever—

(*a*) contravenes any provision of any of the sections or rules 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 fourth column of the said schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any provision of the sections or rules specified in the first column of Schedule VIII, or

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[1] Sections 309 and 310 were substituted by section 126 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'Governor in Council' by section 2 (i) *ibid.*

[3] These words, figures and letter were substituted for the words, figures and letters 'clauses (*b*) and (*c*) of section 303' by section 127 *ibid.*

(*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 fourth column of the said schedule.

Explanation.—The entries in the third column of Schedules VII and VIII headed 'subject' are not intended as definitions of the offences described in the sections, sub-sections, or clauses mentioned in the first and second columns or even as abstracts of those sections, sub-sections or clauses, but are inserted merely as references to the subject of the sections, sub-sections or clauses as the case may be.

Penalty for acting as councillor, chairman or vice-chairman when disqualified.

[1] [**314.** (1) Whoever acts as a member of a municipal council knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

(2) Whoever acts as or exercises the functions of the chairman or vice-chairman of a municipal council knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the chairman or vice-chairman of a municipal council fails to hand over any documents of, or any moneys or other properties vested in, or belonging to, the municipal council which are in or have come into his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as chairman or vice-chairman expires and in the case of the vice-chairman also on demand by the chairman, such chairman or vice-chairman shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.]

Penalty for acquisition by municipal officer of interest in contract or work.

315. If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employer or servant, any personal share or interest in any contract or

[1] This section was substituted by section 128 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

employment with, by, or on behalf of the municipal council, he shall be deemed to have committed an offence 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 entered into between such company and the council, unless he is a director of such company :

[1] [Provided further that nothing in this section shall apply to a teacher employed by a municipal council who, with the sanction of the Local Government, enters into a contract with the municipal council with regard to the utilization for the purpose of a school of any land or building owned by him or in which he has a share or interest.]

Penalty for omission to take out licence for vehicle or animal.

316. (1) Every owner or person in charge of any vehicle or animal liable to tax under section 98 who omits to obtain a licence 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 101, 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.

317. If the construction or re-construction of any building or well—

(*a*) is commenced without the permission of the [2] [executive authority], 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 hereunder or of any direction or requisition lawfully given or made, or

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[1] This proviso was added by section 129 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

if any alterations or additions required by any notice issued under section 205 or section 215 are not duly made, or

if any person to whom a direction is given by the [1] [executive authority] to alter or demolish a building or well under section 216 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 building to five hundred rupess 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 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.

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

Penalty for withdrawal of scavengers without notice.

(2) Should any scavenger employed by the council, in the absence of a written contract authorizing him so to do and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the council, 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 [2] [Local Government] may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Wrongful restraint of executive authority and his delegates.

319. Every person who prevents the [1][executive authority] or any person to whom the [1][executive authority] 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.

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[1] These words were substituted for the word 'chairman' by section 17(1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Penalty for not giving or giving false information.

320. If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information—

(*a*) omits to furnish it, or

(*b*) knowingly or negligenty furnishes false information,

such person shall be liable to a fine not exceeding Rs. 100.

PART VI.

CHAPTER XVI.—PROCEDURE AND MISCELLANEOUS.

Licences and permissions.

General provisions regarding licences and permissions.

321. (1) Every licence and permission granted under this Act or any rule or by-law made under this Act 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 [1][executive authority.]

[2][(2) Save as otherwise expressly provided in or may be prescribed under this Act, for every such licence or permission, fees may be charged on such units and at such rates as may be fixed by the municipal council.]

(3) The council may farm out the collection of such fees for any period not exceeding three years at a time on such conditions as it thinks fit.

[3][(3-A) Every order of a municipal authority granting or refusing a licence or permission shall be published on the notice board of the municipal council.]

(4) Every order of a municipal authority refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(5) Subject to the special provisions in chapters X and XII regarding buildings and private markets, and subject to such sanction as may be required for the refusal of a licence or permission, [4][. . .] 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 [1][executive authority] 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.

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] This sub-section was substituted by section 130 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] This sub-section was inserted by section 130 (ii) *ibid.*

[4] The words 'and to such appeal as may be provided in case of refusal' were omitted by section 130 (iii) *ibid.*

(6) It shall be the duty of the [1][executive authority] 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 or regulations, any condition of a licence or permission or any lawful direction or prohibition 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 [1][executive authority] 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 this Act be deemed to be without a licence or permission until the order suspending or revoking the licence or permission is cancelled 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 [1][executive authority].

(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 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 municipal council the amount of the fee chargeable for the licence or permission or for registration ; [2] [and may in his discretion also recover summarily and pay over to the council such amount, if any, as he may fix as the costs of the prosecution.]

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were added by section 130 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(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 municipal council 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 licence or permission or for registration are not communicated to the applicant within thirty days after the receipt of the application by the [1] [executive authority], 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 executive authority to council.

322. (1) An appeal shall lie to the council from—

(*a*) any notice issued or other action taken or proposed to be taken by the [1][executive authority]—

(i) under sections 131, 139, 146, 147, 148, 150, 205 sub-section (1) and sub-section (3), 216 sub-section (3), 218 sub-section (1), 219 sub-section (1), 224 sub-section (1), 226, 236, 246, 247 ;

(ii) under any by-law concerning house drainage and the connexion of house drains with municipal drains or house connexions with municipal water-supply or lighting mains ; or

[2] [(*b*) any refusal by the [1] [executive authority] to approve a building site under section 200 ; or]

[2][(*c*) any order of the [1] [executive authority] granting or refusing a licence or permission ;]

[3][(*d*) any order of the [1] [executive authority] made under section 321, sub-section (5), suspending or revoking a licence ; or]

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] Clauses (*b*) and (*c*) were substituted for original clauses (*b*), (*c*), (*d*) and (*e*) by section 131 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] Original clauses (*f*) and (*g*) were re-lettered as clauses (*d*) and (*e*) respectively by section 131 *ibid.*

[1][(*e*) any other order of the [2][executive authority] that may be made appealable by rules under section 303.]

(2) The decision of the council on any such appeal shall be final.

Limitation of time for appeal.

323. In any case in which no time is prescribed by 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 [3][be presented—

(*a*) where the appeal is against an order granting a licence or permission, within thirty days after the date of the publication of the order on the notice board of the municipal council, and

(*b*) in other cases, within thirty days after the date of the receipt of the order or proceeding against which the appeal is made.]

Power to summon.

Power of persons conducting election and other enquiries.

324. All persons authorized by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any enquiries into matters falling within the scope of their duties shall have for the purposes of such enquiries the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon revenue officers by the Madras Revenue Summonses Act, 1869, and the provisions of sections 2, 3, 4 and 5 of that Act shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section ; and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

Summons to attend and give evidence or produce documents.

325. The [2][executive authority] 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.

Notices, etc.

Form of notices and permissions.

326. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

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[1] Original clauses (*f*) and (*g*) were re-lettered as clauses (*d*) and (*e*) respectively by section 131 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] These words and letters were substituted for the words 'be presented within thirty days after the date of receipt of the order or proceeding against which the appeal is made' by section 132 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Signature on documents.

327. (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 [1][bear the signature of the chairman or executive authority] or of any municipal officer shall be deemed to be properly signed if it bears a [2][facsimile of the signature of the chairman or executive authority] or of such municipal officer, as the case may be, stamped thereon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract entered into by the municipal council.

Publication of notifications.

328. [3][Save as otherwise provided, every notification under this Act other than one issued by the Local Government,] shall be published in the official gazette of the district in which the municipality is situated both in English and in a vernacular language of the district.

Publication of by-laws, notices, orders, etc.

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

Notice of prohibition or setting apart of places.

330. Whenever the municipal council shall have set apart any place for any purpose authorized by this Act or shall have prohibited the doing of any thing in any place, the [4][executive authority] shall forthwith cause to be put up a notice in English and in a vernacular language of the district at or near such place. Such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

Method of serving documents.

331. (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

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[1] These words were substituted for the words 'bear the signature of the chairman' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words 'facsimile of the signature of the chairman' by section 17 (2) *ibid.*

[3] These words were substituted for the words 'Every notification under this Act' by section 133 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(*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 municipality and his address elsewhere is known to the [1][executive authority] by sending the same to him by post registered ; or

(*d*) if none of the means aforesaid be available by fixing 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.

(3) Whenever in any bill, notice [2][form or other document] served or sent under this Act a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence from this Act of any distinct provision to the contrary, be calculated from the date of such service or sending.

Relation of occupier to owner.

Recovery by occupier of sum leviable from owner.

332. If the occupier of any building or land makes on behalf of the owner thereof any payment for which, under this Act, the owner, but not the occupier, is liable such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

Obstruction of owner by occupier.

333. (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 [1][executive authority] 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 the 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 in executing such works.

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words 'or form' by section 134 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Execution of work by occupier in default of owner.

334. 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 [1][executive authority], 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.

[2][*Powers of entry and inspection of the executive authority*].

Power of entry to inspect, survey or execute the work.

335. The [1][executive authority] or any person authorized by him in this behalf 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 pipes or meters, 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 part of a public building used as a dwelling place shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least six hours' previous notice of the intention to make such entry ;

(*c*) sufficient notice shall be given in every case even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women 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.

336. (1) The [1][executive authority] or any person authorized by him in this behalf may with or without assistants or workmen enter on any land adjoining or within fifty yards

[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words 'chairman's powers of entry and inspection' by section 17 (2) *ibid.*

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 [1][executive authority] or person authorized by him as aforesaid shall, before entering on any land under sub-section (1), give the owner or 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 [1][executive authority] shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but as little damage as may be shall be done and the [1][executive authority] 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 [1][executive authority] he may appeal to the council.

Inspection and stamping of weights and measures.

337. The [1][executive authority] or any person authorized by him in this behalf may examine and test the weights and measures used in markets and shops in the municipality with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code.

Power to enforce licensing provisions, orders, etc.

Consequences of failure to obtain licences, etc., or of breach of the same.

338. If, under this Act, or any rule, by-law or regulation made under it, the licence or permission of the council or [1][executive authority] or registration in the municipal office is necessary for the doing of any act, and if such act is done without such licence or permission or registration, or in a manner inconsistent with the terms of any such licence or permission, then—

(*a*) the [1][executive authority] may by notice require the person so doing such act to alter, remove, or, as far as practicable, restore to its original state the whole or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice ; and further,

(*b*) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Time for complying with order and power to enforce in default.

339. (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 the [1][executive authority] 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 ; and further,

(3) if no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

Recovery of expenses from persons liable and limitation of liability of occupier.

340. (1) The [1][executive authority] may, subject to the provisions of [2][section 139], recover any reasonable expenses incurred under section 339 from the person or any one of the persons to whom the notice, requisition or order was addressed, and may, in executing work or taking measures under section 339, utilize any materials found on the property concerned or may sell them and apply the sale-proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the [1][executive authority] may (whether any action or other proceeding has been brought or taken against such owner or not) require the person, if any, who occupies such property, or any part thereof, under the owner, to pay to the municipal council, instead of to the owner, the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under sub-section (1) or to such smaller amount as the [1][executive authority] may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2), the [1][executive authority] may require any occupier of property to furnish information as to the sum paid by him as rent on account of such property

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act,. 1933 (Madras Act XV of 1933).

[2] This word and figures were substituted for the words and figures ' Sections 139 and 155 ' by section 135 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

and as to the name and address of the person to whom it is payable ; and such occupier shall be bound to furnish such information.

(4) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of any such expenses.

Relief to agent and to trustees.

341. (1) When any person by reason of his receiving the rent of immovable property as agent, trustee, guardian, manager or receiver, or of his being agent, trustee, guardian, manager or receiver 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 a 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 [1][executive authority] 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.

Power of executive authority to agree to receive payment of expenses in instalments.

342. Instead of recovering any such expenses as aforesaid in the manner provided under section 344, the [1][executive authority] may, if he thinks fit, 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.

Payment of compensation, etc., by and to the municipality.

Power of municipality to pay compensation.

343. In any case not otherwise expressly provided for in this Act, the [1][executive authority] may, with the approval of the council, 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 any other law, or by any rule, by-law or regulation made under it.

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Recovery of sum due as taxes.

344. All costs, damages, [1][penalties], compensation charges fees (other than school fees), expenses, rents (not being rents for lands and buildings demised by the municipal council), contributions and other sums which under this Act or any other law or rules or by-laws made thereunder, or under any contract in respect of water-supply [2][or drainage] made in accordance with this Act, the rules or by-laws are due by any person to the council, may, if there is no [3][special provision in this Act for their recovery] be demanded by bill as provided in the rules in Schedule IV and recovered in the manner provided [4][therein].

Limitation for recovery of dues.

345. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the municipal council under this Act after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such sum.

Procedure in dealing with surplus sale-proceeds.

346. If any property, movable or immovable, is sold under the provisions of this Act, and if there is a surplus after the sum due to the municipal council and the costs have been deducted from the sale-proceeds, such surplus shall, if the owner of the property sold claims it within six months from the date of the sale, be paid to him by the [5][executive authority], but if no such claim is preferred within such time, the said surplus shall be credited to the municipal fund, and no suit shall lie for the recovery of any sum so credited.

Persons empowered to prosecute.

347. [6][. . .] No person shall be tried for any offence against the provisions of this Act, or of any rule, or by-law made under it unless complaint is made by the police, or the [5][executive authority] or by a person expressly authorized in this behalf by the council or the [5][executive authority] within three months of the commission of the offence. But nothing herein shall affect the provisions of the Code of Criminal Procedure, [7][1898] in regard to the power of certain magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion :

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[1] This word was inserted by section 136 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'drainage or scavenging' by section 136 (ii) *ibid.*

[3] These words were substituted for the words 'special provision for their recovery contained in this Act' by section 136 (ii) *ibid.*

[4] This word was substituted for the words 'in those rules' by section 136 (ii) *ibid.*

[5] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[6] The words 'save as provided in section 59' were omitted by section 137 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[7] These figures were inserted by section 137 (ii) *ibid.*

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall, for the purposes of this section, 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.

Imprisonment in default of payment and application of fines.

348. (1) In case any fine or costs imposed or assessed by a magistrate under this Act or under any rule or by-law 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.

[1][(2) Any fine, costs, tax or other sum imposed or assessed by a magistrate under this Act or under any rule or by-law made under it shall be recoverable by such magistrate under the Code of Criminal Procedure, 1898, as if it were a fine and the same shall on recovery be paid to the municipal council to be applied to the purposes of this Act.]

Payment of compensation for damage to municipal property.

349. 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 or by-law made under it and by reason of such act or omission damage has been caused to any property owned by or vesting in the municipal council, 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 court before whom he was convicted of the said offence on application made to him for the purpose by the [2][executive authority] 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 court as if it were a fine inflicted by him on the person liable therefor.

Legal proceedings.

Institution of suits against municipal authorities, officers and servants.

350. (1) No suit for damages or compensation shall be instituted against the municipal council, 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 execution or intended execution of this Act or any rule, by-law, regulation or order made under it or in respect of any

[1] This sub-section was substituted by section 138 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

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 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 [1][the chairman, the executive authority, or] 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 council, from the municipal fund.

Provision respecting institution, etc., of civil and criminal actions and obtaining of legal advice.

351. The [2][executive authority] may—

(*a*) take, or withdraw from, proceedings against any person who commits—

(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 municipal council or the due administration of this Act;

(iii) any nuisance whatsoever;

(*b*) compound any offence against this Act, the rules, by-laws or regulations which may by rules made by the [3][Local Government] be declared compoundable;

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[1] These words were substituted for the words 'the chairman' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the word 'chairman' by section 17 (1) *ibid.*

[3] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[1][(*c*) with the approval of the council take, withdraw from or compromise proceedings for the recovery of expenses or compensation claimed to be due to the municipal council ;

[1][(*d*) with the approval of the council withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the [2][executive authority] ;

[1][(*e*) with the approval of the council, defend any suit or other legal proceeding brought against the municipal council or against any municipal authority, officer or servant, in respect of anything done or omitted to be done in its or his official capacity ;

[1][(*f*) with the approval of the council, compromise any claim, suit or legal proceedings brought against the council or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid ;

[1][(*g*) with the approval of the council, institute and prosecute any suit or withdraw from or compromise any suit or claim, which has been instituted or made in the name of the municipal council or of the [2][executive authority] ;

[1][(*h*) 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 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 or municipal officer or servant.

[3][**351-A.** The election authority may defend himself if sued or joined as a party in any proceeding relating to the preparation or publication of electoral rolls or to the conduct of elections, as the case may be, and the expenses incurred by the election authority in so doing shall be payable from the municipal fund.] **Power of election authority to defend himself if sued.**

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[1] Clause (*c*) was omitted and clauses (*d*) to (*i*) were relettered as clauses (*c*) to (*h*) by section 139 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] This section was inserted by section 140 of the Madras Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Indemnity to the Government, collector, revenue divisional officer, municipal authorities, officers and agents.

352. No suit shall be maintainable against [1][the Local Government, the district collector, the revenue divisional officer] [2][or any municipal chairman, executive authority] officer or servant or any person acting under the [3][direction of any municipal chairman, executive authority] officer or servant, or of a magistrate, in respect of anything in good faith done under this Act [4][. . .] or any rule, by-law, regulation or order made under it.

Liability of chairman, members and executive authority for loss, waste, or misapplication.

353. (1) The [5][chairman, every councillor, and the executive authority] shall be liable for the loss, waste, or misapplication of any money or other property owned by or vested in the municipal council, 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 [6][Local Government] or by the [7][Secretary of State for India in Council].

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Sanction for prosecution of chairman, councillor, or executive authority.

[8][**353-A.** When the [9][chairman, any councillor or the executive authority] is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of the Local Government.]

Assessments, etc., not to be impeached.

354. (1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (*a*) in respect of the name, residence, place of business, or occupation of any person, or (*b*) in the description of any property or thing, or (*c*) in respect of the amount assessed, demanded or charged : provided that the provisions of this

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[1] These words were inserted by section 141 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words ' or any municipal chairman ' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] These words were substituted for the words ' direction of any municipal chairman ' by section 17 (2) *ibid.*

[4] The words ' or any other law ' were omitted by section 141 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[5] These words were substituted for the words ' chairman and every councillor ' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[6] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[7] These words were substituted for the words ' Secretary of State for India ' by section 142 *ibid.*

[8] This section was inserted by section 143 *ibid.*

[9] These words were substituted for the words ' chairman or any councillor ' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

Act have been, in substance and effect, complied with. And no proceedings under this Act shall, [1][merely] for defect in form, be quashed or set aside by any Court of Justice.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority :

Provided that the provisions of this Act have been, in effect complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto if the provisions of this Act, the rules and by-laws have in substance and effect been complied with :

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

Police.

Duties of police officers

355. (1) 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, [and][2]

(*b*) [3][to assist the chairman, the executive authority] or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power [4][vesting in the chairman or the executive authority] or in such municipal officer or servant under this Act, or any such rule, by-law or regulation, [5][. . .]

[6][(*c*) Omitted.]

(2) Any police officer who omits or refuses to perform any duty imposed on him by this Act, shall be deemed to have committed an offence under section 10 or under section 44 of the Madras District Police Act, 1859.

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[1] This word was inserted by section 144 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This word was inserted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] These words were substituted for the words ' assist the chairman ' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] These words were substituted for the words ' vesting in the chairman' by section 17 (2) *ibid.*

[5] The word ' and ' was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[6] Clause (*c*) was omitted by Schedule I *ibid.*

Power of police officer to arrest persons.

356. (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule or by-law 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.

357. The [1][Local Government] 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 and of the Madras Towns Nuisances Act, 1889.

Miscellaneous.

Application of term 'public servant' to municipal officers, agents and sub-agents.

358. Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, [2][. . .] fee or other sum due to the municipal council and every person employed by any such contractor or agent for the collection of such tax, [2][. . .] fee or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Prohibition against obstruction of municipal authorities, servants and contractors.

359. No person shall obstruct or molest the council, the [3][chairman, any councillor, the executive authority], or any person employed by the municipal council or [4][any person with whom a contract has been entered into on behalf of the council] in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of this Act or of any by-law, rule, regulation or order made under it.

Prohibition against removal of mark.

360. 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 by-law, rule or order made under it.

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The word 'toll' was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] These words were substituted for the words 'chairman, any councillor' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] These words were substituted for the words any person with whom the chairman has entered into a contract on behalf of the council' by section 17 (2) *ibid.*

361. No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate, any notice exhibited by, or under the orders of the council or the [1][executive authority]. Prohibition against removal or obliteration of notice.

362. 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 municipal council, or river, estuary, canal, backwater or water-course (not being private property) or in any way obstruct the same. Prohibition against unauthorized dealings with public place or materials.

Local Government's power of delegation.

363. The [2][Local Government] may by notification authorize any person to exercise any one or more of the powers [3][vested in them] by this Act, [4][except the powers mentioned in Chapters II and III, the power to determine the amount of contribution under section 156, the power to make rules under sub-section (2) of section 77-A and sections 303 and 305 and the power to sanction prosecutions under section 353-A] and may in like manner withdraw such authority. Delegation of powers by the Local Government.

Transitional and transitory provisions.

364. All property, all rights of whatever kinds used enjoyed, or possessed by, and all interests of whatever kind owned by, or vested in or held in trust by, or for, a municipal council, as constituted under the Madras District Municipalities Act, 1884, as well as all liabilities legally subsisting against the said council shall pass to the council as constituted under this Act. Passing of property and rights to municipality as reconstituted.

365. This Act shall come into force on such date as the [2][Local Government] may by notification direct : Commencement of Act.

Provided that the power to make or approve rules, by-laws and regulations may be exercised at any time after the publication of the assent of the Governor-General under section 81 of the Government of India Act, 1915, and that any election

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] These words were substituted for the words 'vested in him' by the schedule *ibid.*

[4] These words and figures were substituted for the words and figures 'except those mentioned in Chapters II and III' by section 145 *ibid.*

or appointment of chairman, or councillors 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.

Continuance in office of present chairman and councillors.

366. In their application to the term of office and the election and appointment of councillors and the chairman 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 chairman and of the councillors holding office under the Madras District Municipalities Act, 1884, shall expire on such date or dates after the commencement of this Act as the [1][Local Government] shall determine and the [1][Local Government] 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 councillors and the chairman elected or appointed under this Act on the date fixed for the retirement of the chairman elected or appointed or ex officio under the Madras District Municipalities Act, 1884, and until they so come into office the chairman and the councillors appointed or elected or ex officio under the Madras District Municipalities Act, 1884, shall have all the powers and be subject to all the duties respectively of the chairman and councillors 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 chairman, and if not held on that day, shall be held on some subsequent day fixed by the chairman—

(i) for ascertainment by lot (or if the [1][Local Government] [2][so direct] otherwise than by lot) of one-third the number of elective seats to be vacated at noon on the first day of November 1921 and of one-third more such seats to be vacated at noon on the first day of November 1922 and the councillors elected for the total number of seats so ascertained or the councillors elected in their places in casual vacancies shall hold office until the first day of November 1921

[1] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words ' so directs ' by the schedule *ibid.*

or the first day of November 1922 as the case may be and the remaining elected councillors shall continue in office until the first day of November 1923 ; and

(ii) for the election of a chairman by those councils on whom this privilege has been conferred by the [1][Local Government].

Procedure for recovery of arrears of taxes, etc.

367. All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a municipal council at the time this Act comes into force may be recovered as though they had accrued under this Act.

Special provision in the case of newly constituted and reconstituted municipal councils.

[2][**368.** (1) Notwithstanding anything contained in this Act, when a municipality is constituted for the first time, the Local Government may appoint a special officer to exercise the powers, discharge the duties and perform the functions of the municipal council [3][and its chairman and executive authority].

(2) The special officer shall cause arrangements for election to be made so that the newly elected councillors may come into office on a day within six months from the date of publication of the notification under sub-section (3) of section 4 declaring the area to be a municipality.

(3) The special officer shall exercise the powers, discharge the duties and perform the functions of the municipal council until the council has been constituted [4][of the chairman until a chairman has been elected by the council, and of the executive authority until a chairman has been elected or a commissioner has been appointed, as the case may be].

(4) As soon as may be after the constitution of the council, a meeting of the council shall be held on a day and at a time fixed by the special officer for the election of its chairman. If at such meeting no chairman is elected, a fresh election shall be held on such day and at such time as may be fixed by the special officer.

(5) The term of office of the councillors or of the councillors elected in their places at casual vacancies shall expire at the end of three years if the day referred to in sub-section (2)

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[1] These words were substituted for the words ' Governor in Council ' by section 2 (1) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act XV of 1930).

[2] This section was substituted for the original by section 146 *ibid.*

[3] These words were substituted for the words ' and its chairman ' by section 17 (2) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] These words were substituted for the words ' and of the chairman until a chairman has been elected by the council ' by section 17 (2) *ibid.*

is the first day of November, and in other cases at the end of three years from the first day of November immediately preceding such day.

(6) The provisions of sub-sections (1) to (5) shall apply save as otherwise provided in this Act and, so far as may be, to all cases of reconstitution of municipal councils.

(7) Where the number of seats on a municipal council is increased by or in consequence of a notification under sub-section (1) of section 7, the councillors elected for the additional seats or the councillors elected in their places at casual vacancies shall hold office until the date on which the councillors elected to the original seats at the ordinary elections immediately preceding will vacate office.]

Adjudication of disputes between local authorities.

[1][**369.** (1) When a dispute exists between a council and one or more than one other local authority in regard to any matters arising under the provisions of this or any other Act and the Local Government are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the Local Government may take cognizance of the dispute, and

(*a*) decide it themselves, or

(*b*) refer it for enquiry and report to an arbitrator or a board of arbitrators, or to a joint committee constituted under section 26 for the purpose.

(2) The report referred to in clause (*b*) of sub-section (1) shall be submitted to the Local Government who shall decide the dispute in such manner as they deem fit.

(3) The decision of the Local Government under clause (*a*) of sub-section (1) or under sub-section (2) as the case may be, shall be final and binding on each of the disputing local authorities.]

References to chairman in other enactments and notifications, etc., issued thereunder.

[2][**370.** (1) Any reference to the chairman contained in any enactment in force in the Presidency of Madras or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the said Presidency shall where such reference relates to the executive functions of the chairman be construed as a reference to the executive authority.

(2) If any question arises as to whether any such reference relates to the executive functions of the chairman or not, the decision of the Local Government shall be final.]

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[1] This section was added by section 147 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This section was inserted by section 15 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

SCHEDULE I.

ENACTMENTS REPEALED.

[*See* section 2.]

Year.	Number.	Short title.	Extent of repeal.
(1)	(2)	(3)	(4)
1884 ..	IV	The Madras District Municipalities Act, 1884.	The whole.
1897 ..	III	The Madras District Municipalities Act (Amendment) Act, 1897.	Do.
1889 ..	I	The Madras District Municipalities (Amendment) Act, 1899.	Do.
1907 ..	II	The Madras Hill Municipalities Act, 1907.	Do.
1909 ..	V	The Madras District Municipalities (Amendment) Act, 1909.	Do.
1913 ..	III	The Madras District Municipalities and Local Boards (Amendment) Act, 1913.	Sections 2, 3 and 4.
1914 ..	VIII	The Madras Decentralization Act, 1914.	So much of the schedule as relates to the Madras District Municipalities Act, 1884.
1916 ..	IV	The Madras District Municipalities (Amendment) Act, 1916.	The whole.

SCHEDULE II.

LIST OF HILL STATIONS.

[*See* section 3 (10).]

Ootacamund, the Nilgiri district.

Coonoor, the Nilgiri district.

Kodaikanal, Madura district.

SCHEDULE III.

RULES REGARDING PROCEEDINGS OF THE COUNCIL.

(*See* section 25.)

Mode of Transacting Business.

1. The municipal council shall provide an office and the council shall meet therein for the transaction of business at least once in every month, upon such days and at such times as it may arrange and also at other times as often as a meeting shall be called by the chairman ;

[1][Provided that no meeting shall be held on a public holiday.

Explanation.—The expression 'public holiday' includes Sundays and any other day declared by the Local Government, by notification in the *Fort St. George Gazette*, to be a public holiday.]

[2][**2.** (1) No meeting shall be held unless notice of the day and time when the meeting is to be held and of the business to be transacted thereat has been given at least three clear days before the day of the meeting.

(2) In cases of urgency the chairman may convene a meeting on giving shorter notice than that specified in sub-rule (1).]

[2][**3.** (1) The chairman shall, on the requisition in writing of not less than one-third of the members then on the council, convene a meeting of the council, provided that the requisition specifies the day (not being a public holiday as defined in the Explanation to rule 1) when and the purpose for which the meeting is to be held. The requisition shall be delivered at the municipal office during office hours to the chairman, secretary, manager or any other person who may then be in charge of the office at least ten clear days before the day of the meeting.

(2) If the chairman fails within forty-eight hours from the delivery of such requisition to call a meeting on the day specified therein, or within three days thereafter, the meeting may be called by the members who signed the requisition on giving the notice provided for in sub-rule (1) of rule 2 to the other members of the council.]

4. All meetings of the council shall be open to the public: provided that the presiding member may and at the request of the council shall in any particular case, for reasons to be recorded in the minute book kept under rule 9, direct that the public generally, or any particular person, shall withdraw.

5. All questions which may come before the council at any meeting shall be decided by a majority of the members present and voting at the meeting and, in every case of equality of votes, the presiding member shall have [3][and exercise] a second or casting vote.

6. No business shall be transacted at a meeting unless there be present at least six members or, if the number of members then on the council exceeds sixteen, at least one-third of that number.

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

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[1] This proviso and the explanation were added by section 148 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These rules were substituted by section 148 (ii) *ibid.*

[3] These words were inserted by section 148 (iii) *ibid.*

8. No resolution of the council shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the council supported by [1][. . .] not less than one-half of the sanctioned number of members.

9. Minutes of the proceedings at each meeting of the council shall be drawn up and entered in a book to be kept for that purpose ; and shall be signed by the [2][presiding member] or in his absence by some one of the members present thereat ; and the said minutes shall at all reasonable times and without charge, be open at the municipal office to the inspection of any person who pays any tax under this Act in the municipality.

10. Within three days of the date of the meeting, a copy of the minutes of the proceedings at such meeting shall be forwarded by the chairman to the Collector of the district wherein the municipality is situated, for publication at the cost of the municipal fund, in the district gazette, in English and in a vernacular language of the district : provided that the chairman shall immediately submit to the said Collector any minute of dissent that may be forwarded to him within forty-eight hours of the meeting by any councillor.

11. The [3][executive authority] shall have the custody of the proceedings and records of the council and may grant copies of any such proceedings and records on payment of such fees as the council may, by general or special order, determine. Copies shall be certified by the [3][executive authority] as provided in section 76 of the Indian Evidence Act, 1872, and copies so certified may be used to prove the records of the council in the same manner as they may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body.

12. The proceedings of every committee appointed by the council shall be recorded in writing and submitted to the council.

[4][**13.** Omitted.]

SCHEDULE IV.

TAXATION AND FINANCE RULES.

PART I.—TAXATION RULES.

(*See* section 124.)

Definition of tax.

1. In these rules ' tax ' includes payment due by way of composition for a tax.

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[1] The words ' the votes of ' were omitted by section 148 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words ' chairman or the member who presided at such meeting ' by section 148 (v) *ibid.*

[3] The words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] This rule was omitted by section 148 (vi) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[1][*Provisions common to taxes in general.*]

[1][**2.** (1) The [2](executive authority) shall prepare and keep assessment books in such form as may be prescribed showing the persons and property liable to taxation under this Act.

(2) The assessment books and where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable times and without charge to inspection by any person who pays any tax to the municipality or his authorized agent and such person or agent shall be entitled to take extracts, free of charge from the said books and records.

(3) The account books of the council shall be open without charge to inspection by any person who pays any tax to the municipality or his authorized agent on a day or days in each month to be fixed by the council.]

[1][**3.** The [2](executive authority) shall, save as otherwise provided in this Act, determine the tax to which each property or person is liable :

Provided that in the case of taxes payable by the [2](executive authority) the original assessment shall be made by the revenue divisional officer or if the revenue divisional officer is also the [2](executive authority), by the council.]

[1][**4.** (1) If at any time it appears to the council that any person or property has been inadequately assessed or inadvertently or improperly omitted from the assessment books relating to any tax, or that there is any clerical or arithmetical error in the said books, it may direct the [2](executive authority) to amend the said books in such manner as it deems just or necessary :

Provided that no such direction shall be given where it involves an increase in the assessment, unless the person concerned shall have been afforded a reasonable opportunity to show cause to the council why the assessment books should not be amended as proposed.

(2) Such amendment shall be deemed to have taken effect on the earliest date, either in the current half-year or in the two half years immediately preceding it, on which the circumstances justifying the amendment existed.]

5. (1) The [2][executive authority] shall give to every person making payment of a tax a receipt therefor signed by him or by some person duly authorized by him in that behalf.

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[1] Rules 2 to 4 and the heading thereto were substituted by section 149 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(2) Such receipt shall specify—

(*a*) the date of the grant thereof ;
(*b*) the name of the person to whom it is granted ;
(*c*) the tax in respect of which payment has been made ;
(*d*) the period for which payment has been made ; and
(*e*) the amount paid.

Assessment of the property tax.

[1][**6.** The value of any land or building for purposes of the property tax shall be determined by the [2](executive authority) :

Provided that the value of any land or building the tax for which is payable by the [2](executive authority) shall be determined by the revenue divisional officer or if the revenue divisional officer is also the [2](executive authority), by the council.]

[1][**7.** The [2](executive authority) shall enter the annual or capital value of all lands and buildings determined by him and the tax payable thereon in assessment books to be kept for the purpose at the municipal office. Such books shall record the following particulars, in so far as they can be ascertained, with regard to each assessable item :—

(*a*) the name of the owner ;
(*b*) the name of the occupier ;
(*c*) the designation, if any, of the item ;
(*d*) the name of the ward and street, if any, in which it is situated, and any survey or other number which it bears ;
(*e*) the annual or capital value, as the case may be ; and
(*f*) the amount of the tax payable.]

[1][**8.** (1) The assessment books shall be completely revised by the [2](executive authority) once in every five years.

(2) The [2](executive authority) may amend the assessment books at any time between one general revision and another by inserting therein or removing therefrom any property or by altering the valuation of any property or the amount of tax. Such amendment shall be deemed to have taken effect on the first day of the half-year in which it is made :

Provided that when the amendment is made in any half-year after the demand notice for that half-year has been issued, it shall have effect only from the succeeding half-year.]

[1][**9.** When assessment books have been prepared for the first time and whenever a general revision of such books has been completed, the [2](executive authority) shall give public notice stating that revision petitions will be considered if they reach the municipal office within a period of sixty days from the date of such notice in the case of the Government, a railway administration or a company, and of thirty days from the said date

[1] Rules 6 to 12 were substituted for the original rules by section 150 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

in other cases. The notice shall be affixed to the notice board of the municipal office and on the same day be published in the municipality by beat of drum.]

[1][**10.** In every case in which between one general revision and another, the [2](executive authority) assesses any property for the first time or increases the assessment on any property otherwise than in consequence of a general enhancement of the rate at which the property tax is leviable, the [2](executive authority) shall intimate by a special notice to the owner or occupier of such property that a petition for revising the assessment will be considered if it reaches the municipal office within [3]sixty days from the date of service of such notice in the case of the Government, a railway administration or a company, and within thirty days from the said date in other cases.]

[1][**11.** Any person may, at any time, not being less than thirty days before the end of a half-year, move the [2](executive authority) by revision petition to reduce the tax to which he is liable for the forthcoming half-year on the ground that the annual or capital value of the property in respect of which the tax is imposed has decreased since the assessment of the property was last made or revised.]

[1][**12.** No petition under rule 9, 10 or 11 shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorized agent and to represent his case.]

13. Immediately after the disposal of a revision petition the [2][executive authority] shall inform the petitioner or his authorized agent, either orally or in writing, of the orders passed thereon, shall direct him to pay the amount fixed on revision within fifteen days [3][after the date of receipt of such intimation], or, if the amount is not due, within fifteen days from the date on which it becomes due, and shall, if necessary, cause the assessment books to be corrected.

[4][**14.** (1) On the establishment of a municipality assessments shall have effect from the date specified in the notification under section 80.

(2) A general revision shall be deemed to have taken effect on the first day of the half-year following that in which the notice under rule 9 is published.

(3) Any corrections in the assessment books made by the [1](executive authority) under rule 13 or 27 shall be deemed to have effect on the first day of the half-year to which the assessment which was sought to be revised or which was appealed against relates.

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[1] Rules 6 to 12 were substituted for the original rules by section 150 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] These words were inserted by section 151 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] Rules 14 to 19 were substituted by section 152 *ibid.*

Explanation.—The levy of a new class of property tax or an enhancement in the rate at which any class of property tax is leviable is no amendment or revision within the meaning of this rule, and shall have effect from the date fixed for the levy or enhancement.]

[1][**15.** The first payment of tax shall, save as provided in rule 13, be made within thirty days of the date or day specified in rule 14].

[1][**16.** (1) The classes into which companies and persons shall, for the purposes of assessment to the profession-tax, be divided, and the maximum half-year tax leviable on each class shall be as follows :—

Class.	Half-yearly income.			Maximum half-yearly tax.	
	RS.		RS.	RS.	A.
I More than ..	21,000	.. ..	..	275	0
II „ ..	18,000	but not more than	21,000	225	0
III „ ..	12,000	„	18,000	150	0
IV „ ..	9,000	„	12,000	85	0
V „ ..	6,000	„	9,000	55	0
VI „ ..	4,200	„	6,000	28	0
VII „ ..	3,000	„	4,200	20	0
VIII „ ..	1,800	„	3,000	10	0
IX „ ..	1,200	„	1,800	6	0
X „ ..	600	„	1,200	3	0
XI „ ..	300	„	600	1	8
XII „ ..	150	„	300	0	8

(2) The council shall determine the tax leviable on each class subject to the maximum specified in sub-rule (1) :

Provided that the proportion which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class.

(3) The council may exempt any one or more of the classes in sub-rule (1) from liability to profession-tax, but no class shall be exempted from liability when any lower class is liable to tax.]

[1][**17.** A company or person shall be deemed to have transacted business and a person shall be deemed to have exercised a profession, art, or calling or held an appointment within a municipality if such company or person has an office or place of employment within such municipality.]

[1][**18.** (1) Where a company or person transacts any business other than money-lending in any half-year exclusively in the area of a single municipality, the income of such company or person from the transaction of such business shall, for the purpose of levying profession-tax under this Act during the half-year, be deemed to be—

(*a*) where income-tax is assessed on such company or person under the Indian Income-tax Act, 1922, for the year comprising the half-year, one-half of the amount at

[1] Rules 14 to 19 were substituted by section 152 of the Madras District Municipalities (Amendment) Act, 193 (Madras Act X of 1930).

which the profits and gains of such business are computed under section 10 of the Indian Income-tax Act, 1922, for the purpose of assessing the income-tax ; and XI of 1922.

(*b*) where the amount of the said profits and gains is not ascertainable or where such company or person is not assessed to income-tax, such percentage or percentages as the Local Government may, subject to the approval of the Legislative Council, determine, of the turnover of such business transact in the area of the municipality during the half-year or where this is also unascertainable, during the corresponding half-year of the previous year.

(2) Where a company or person transacts any business other than money-lending partly in the area of a municipality and partly outside such area, the income of such company or person from the transaction of such business in the area of the municipality shall, for the purpose of levying profession-tax under this Act, be deemed to be the percentage referred to in clause (*b*) of sub-rule (1) of the turnover of such business transacted in such area during the half-year or the corresponding half-year of the previous year, as the case may be.

(3) For the purposes of clause (*b*) of sub-rule (1) and sub-rule (2), the turnover of business in any municipality means the aggregate money value of the goods produced, manufactured, purchased or sold or of any other business except money-lending transacted in such municipality.

Explanation.—In determining the turnover of business under this sub-rule—

(*a*) where the delivery of any goods on account of any purchase made by any company or person and the delivery on account of the sale thereof by the same company or person are both effected in the Presidency of Madras, only the latter transaction shall be taken into account ;

(*b*) where the delivery of any goods on account of any purchase made by any company or person is effected in any place outside the said Presidency and the delivery on account of the sale thereof by the same company or person is effected in any place in the said Presidency, the latter transaction shall be taken into account; and

(*c*) where the delivery of any goods on account of any purchase made by any company or person is effected in any place in the said Presidency and the delivery on account of the sale thereof by the same company or person is effected in any place outside the said Presidency, the former transaction shall be taken into account.]

[1][**19.** (1) If, in the opinion of the [2][executive authority], profession-tax is due from any company or person for any half-year, he shall serve a notice on such company or person either

[1] Rules 14 to 19 were substituted by section 152 of the Madras District Municipalities (Amendment) Act, 1930) Madras Act X of 1930).

[2] These words were substituted for the word 'chairman' by section 17 (1) of Madras Act XV of 1933.

in that half-year or in the succeeding half-year requiring the company or person to furnish within such period, not being less than thirty days as may be specified in the notice a return in the prescribed form showing the income on the basis of which, according to such company or person, it or he is liable to be assessed to profession-tax for the half-year in question. Thereupon it shall be open to such company or person to submit a return showing the income derived by it or him during the half-year for which profession-tax is claimed or for the corresponding half-year of the previous year and produce any evidence on which the company or person may rely in support of the return made.

(2) If a return is made as required under sub-rule (1) and the [1][executive authority] is satisfied that it is correct and complete he shall levy the profession-tax from such company or person on the basis of such return.

Explanation.—In cases not failing under clause (*b*) of sub-rule (1) or under sub-rule (2) of rule 18, if the company or person produces the notice of demand of income-tax served on it or him under section 29 of the Indian Income-tax Act, 1922, for the year comprising the half-year in question, the [executive authority] shall be bound to take one-half of the income mentioned in such notice of demand as the income derived from the sources on which profession-tax is leviable under this Act, as the income on the said sources for the purposes of leving profession-tax.

XI of 1922.

(3) If no return is made as required under sub-rule (1) or if the [1][executive authority] is satisfied that any return so made is incorrect or incomplete, the [1][executive authority] shall assign to the company or person the class in the scale appropriate to the half-yearly income of such company or person as estimated by him.

(4) The [1][executive authority] may, when classifying any company or person under sub-rule (3), do so on general considerations with reference to the nature and reputed value of the business transacted, the size and rental of residential and business premises, the quantity and number of articles dealt with, the number of persons employed and the income-tax paid to Government.

(5) The [1][executive authority] shall not be entitled to call for the accounts of any company or person.]

Maximum rates of tax on carriages and animals.

(*See* section 98.)

[2] **[20. (1) The tax on carriages and animals shall be levied at rates not exceeding the following—**

Tax on carriages and animals.	Maximum half-yearly tax.
	RS.
For every tram-car	50
For every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals	10

[1] The words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] This rule was substituted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

Tax on carriages and animals.	Maximum half-yearly tax. RS.
For every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals	5
For every bicycle or tricycle	2
For every other vehicle with springs or other appliances acting as springs 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
For every horse or mule under 12 hands	2
For every bullock or bull	1
For every male buffalo	1
For every ass	8
For every dog	8
For every pig	8
For every goat	8

(2) 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 sub-rule (1), the said person, in case the replacement was due to the destruction of the carriage or the death of the animal and if he had possession, custody or control of the carriage or animal so replaced at the time of its destruction or death, 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 the carriage which has been destroyed or the animal which has died and the carriage or animal replacing such carriage or animal have been kept during the half-year.]

[**21.** [1]Omitted.]

[**22.** [2]Omitted.]

Appeals.

[3][**23.** An appeal shall lie to the council in respect of the assessment and imposition of the following taxes and of no others :—

(*a*) Assessments made by the revenue divisional officer under rule 3 ;

(*b*) the proceedings of the [4][executive authority] under rule 19 ;

(*c*) the order of the [4][executive authority] under rule 13 upon a revision petition ; and

(*d*) the imposition by the [4][executive authority] of any tax on any carriage, animal, or cart, or of the tax on servants.]

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[1] This rule was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[2] This rule and the headings thereof were omitted by section 155 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] This rule was substituted by section 156 *ibid.*

[4] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

24. The council may, of its own motion, or otherwise, cancel, or modify any order passed by the [executive authority] reducing or remitting a tax.

25. An appeal shall be made in writing and shall set forth concisely and under distinct heads the grounds of objection to the decision or other proceedings appealed against.

26. No appeal to the council shall be heard—

(*a*) unless it be presented at the municipal office—

(i) within fifteen days from the service [2][. . .] of the notice [3][. . .] referred to in sections 95 and 102 ; or

(ii) within fifteen days from the date upon which the tax becomes payable under section 86 or 105 or under rule 15 ; or

(iii) within three days from the service of the notice referred to in section 108 :

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

(*b*) unless (except when the [1][executive authority] otherwise directs on the ground of poverty) the tax in respect of which the appeal is presented has been deposited at the municipal office [4][within the period specified in sub-clause (i), (ii) or (iii) of clause (*a*) as the case may be, or where an appeal is presented for admission under the proviso to the said clause] on or before the day upon which the appeal is presented.

27. The assessment books maintained under [5][sub-rule (1) of rule (2)] shall be corrected in accordance with any orders passed by the council [6][under rule 24 or] on appeal ; in the event of the amount of any tax being [7][reduced] or remitted by the council, the [1] [executive authority] shall grant a refund accordingly.

28. The assessment or demand of any tax, when no appeal is made, as hereinbefore provided, and [8][when such an appeal is made, the adjudication of the council thereon] shall be final :

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] The words ' or sending ' were omitted by section 157 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] The words ' or table ' were omitted by section 157 (i) *ibid.*

[4] These words were inserted by section 157 (ii) *ibid.*

[5] These words and figures were substituted for the word and figure ' rule 3' by section 158 (i) *ibid.*

[6] These words and figures were inserted by section 158 (ii) *ibid.*

[7] This word was substituted for the word ' decreased ' by section 158 (i) *ibid.*

[8] These words were substituted for the words ' the adjudication of an appeal by the council ' by section 159 (1) *ibid.*

[Provided that where any assessment or demand is not in accordance with the assessment books nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.]

[2][**28-A.** (1) The powers of the council under rules 4, 23 and 24 shall, during any period in respect of which the Local Government may, by notification, so direct, be exercised by a special officer appointed by them. And thereupon the council shall cease to exercise the said powers during the said period and rules 4 and 23 to 28 shall have effect as if for the word 'council' wherever it occurs in those rules and for the word [3][executive authority] in clause (*b*) of rule 26, the words 'special officer appointed by the Local Government in this behalf' were substituted.

(2) A special officer appointed under sub-rule (1) shall have all such powers of the council and of the [3][executive authority] as are necessary for the purpose of exercising his powers under the said sub-rule and he shall be entitled to the same protection as the council or [3][executive authority], as the case may be, is entitled.

(3) The special officer shall be paid out of the municipal fund such salary and allowances as the Local Government may, in consultation with the council, fix. If a Government servant is appointed special officer, the council shall also pay the Local Government such contribution towards the pension and leave allowances of such servant as may be payable under the regulations in force for the time being of the branch of Government service to which he belongs.]

Collection of taxes.

[*See* section 124.]

29. '[(1) Where any tax not being a tax in respect of which a notice has to be served under section 95, 102 or 108 or in respect of which a direction has to be given under rule 13, is due from any person, the [3][executive authority] shall serve upon such person a bill for the sum due before he proceeds to enforce the[1] provisions of rule 30.]

(2) [5][A notice under section 95, 102 or 108 and a bill under sub-rule(1)] shall be signed by the [3][executive authority] and shall contain—

(*a*) a statement of the period and a description of the occupation, property or thing for which the tax is charged; and

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[1] This proviso was added by section 159 (2) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This rule was inserted by section 160 *ibid.*

[3] These words were substituted for the words 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] This sub-rule was substituted by section 161 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[5] These words and figures were substituted for the words 'such bill' by section 161 (ii) *ibid.*

(*b*) a notice of the liability incurred in default of payment.

[1][(3) Where a notice, bill or direction referred to in sub-rule (1) has not been served or given either in the half-year in which the tax became due or in the succeeding half-year, the tax for the half-year first mentioned in this sub-rule shall not be demanded :

Provided that where the assessment books have been amended under rule 4, the notice, bill or direction, as the case may be, may be given either in the half-year in which the amendment was made or in the succeeding half-year.]

30. (1) If the amount due on account of any tax is not paid within fifteen days from the service [2][. . .] of the notice, [3][. . . . .] or bill or the giving of the direction referred to in sections 95 and 102 and rules 13 and 29 or within three days from the service of the notice referred to in section 108, and if the person from whom the tax is due has not shown cause to the satisfaction of the [4][executive authority] why it should not be paid, the [4][executive authority] may recover by distraint under his warrant and sale of the movable property of the defaulter, the amount due on account of the tax together with the warrant fee and the distraint fee, and with such further sum as will satisfy the probable charges that will be incurred in connexion with the detention and sale of the property so distrained :

Provided always that movable property described in the proviso to section 60 of the Code of Civil Procedure, 1908, shall not be liable to distraint.

(2) If for any reason the distraint, or a sufficient distraint, of the defaulter's property is impracticable, the [4][executive authority] may prosecute the defaulter before a magistrate.

(3) Nothing herein contained shall preclude the council from suing in a civil court for any [5][tax] due to it under this Act.

(4) The warrant under sub-rule (1) shall be in the form contained in Appendix A to these rules or in some similar form ; and for each such warrant a fee of two annas [6][shall be levied].

(5) Under a special order in writing of the [4][executive authority] any officer charged with execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of 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 :

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[1] This sub-rule was inserted by section 161 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] The words ' or sending' were omitted by section 162 (i) *ibid.*

[3] The word ' table ' was omitted by section 162 (i) *ibid.*

[4] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[5] This word was substituted for the word ' amount ' by section 162 (ii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[6] These words were substituted for the words ' shall be leviable ' by section 162 (iii) *ibid.*

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.

31. (1) The officer charged with the execution of a warrant, shall, before making the distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid no distraint shall be made [1][but if the tax or fee is not paid,] the officer shall—

(*a*) seize such movable property of the defaulter as he may think necessary ;

(*b*) make an inventory of the property seized ; and

(*c*) give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale in the form in Appendix B to these rules or in some similar form :

[2][Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.]

(2) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible [equal in value to the tax] due by the defaulter together with all expenses incidental to the warrant, distraint, detention and sale.

32. (1) If the amount due by the defaulter on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 31 and if the distraint warrant is not suspended by the [4][executive authority], the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the [4][executive authority] who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and the application of the proceeds thereof as aforesaid. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the [4][executive authority] may again proceed under rule 30 in respect of the sum remaining unpaid.

(2) When the property seized is subject to speedy and natural decay, the [4][executive authority] may sell it at any time before the expiry of the said period of seven days, unless the amount due is sooner paid.

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[1] These words were substituted for the words ' but, if not ' by section 163 (i) (*a*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This proviso was added by section 163 (i) (*b*) *ibid.*

[3] These words were substituted for the words ' proportionate in value to the sum ' by section 163 (ii) *ibid.*

[4] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

(3) The [1][executive authority] shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the [1][executive authority] decides that the property attached was not liable to distraint, he shall return it, or if it has already been sold the proceeds of the sale to the person appearing to be entitled thereto and may again proceed under rule 30 ; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the [1][executive authority] that he wilfully permitted the distraint of the property [2][when to his knowledge it was not liable] to distraint.

33. (1) Distraint fees shall be payable at such rates not exceeding those mentioned in Appendix C to these rules as may be, from time to time, determined by the council.

(2) Such fees shall not be held to include the expenses incidental to the detention of any property distrained under this Act.

34. The property of a person in default under [3][sub-rule (1) of rule 30] may be distrained wherever it may be found within the municipality.

35. If the tax due on account of any building or land [4][remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 30], the [1][executive authority] may, if the said tax has not remained unpaid for more than twelve months, require the occupier for the time being of such building or land to pay the amount within a specified period [5][not being less than fifteen days] and if the occupier fails to comply with [6][such requisition], the [1][executive authority] may distrain and sell any movable property [7][found on the building or land,] and the provisions of the foregoing rules shall, *mutatis mutandis*, apply to all distraints and sales effected under this rule : provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this rule, unless he has wilfully prevented distraint or a sufficient distraint.

[8][**35 A.** If any tax due from any person remains unpaid in whole or in part at the end of the period specified in sub-rule (1)

[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] These words were substituted for the words ' which to his knowledge was not liable ' by section 164 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] These words and figures were substituted for the word and figures ' rule 30 ' by section 165 *ibid.*

[4] These words were substituted for the words and figures ' remains unpaid at the end of the period mentioned in rule 30 ' by section 166 (i) *ibid.*

[5] These words were inserted by section 166 (ii) *ibid.*

[6] These words were substituted for the words ' this requisition ' by section 166 (iii) *ibid.*

[7] These words were substituted for ther words ' found on the premises ' by section 166 (iv) *ibid.*

[8] This rule was inserted by section 167 *ibid.*

of rule 30 and if such person has left British India or cannot be found, the said tax or such part thereof as remains unpaid together with all sums payable in connexion therewith shall be recoverable as if it were an arrear of land revenue.]

[1][**36.** (1)] Every person who is prosecuted [2][under sub-rule (2) of rule 30] shall be liable,on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented distraint or a sufficient distraint, to pay a fine not exceeding twice the amount which may be due by him on account of—

(*a*) the tax and the warrant fee, if any, and

(*b*) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained [3][* * *].

[4][(*c*) (Omitted).]

[5][(2) Whenever any person is convicted of an offence under sub-rule (1), the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the municipal council—

the amounts, if any, due under the heads specified in clauses (*a*) and (*b*) of sub-rule (1); and may in his discretion also recover summarily and pay to the council such amount, if any, as he may fix as the costs of the prosecution.]

[6][**36-A.** Neither the [7][executive authority] nor any municipal officer or servant shall directly or indirectly purchase any property at any sale of distrained property held under the foregoing rules.]

PART II.—FINANCE RULES.

[*See* section 124.]

Authorized objects of expenditure.

37. The purposes to which the municipal fund may be applied include all objects expressly declared obligatory or discretionary by-laws or rules, and in general everything necessary for, or conducive to the safety, health, convenience or education of the inhabitants or to the amenities of the municipality and everything

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[1] Rule 36 was renumbered as sub-rule (1) of rule 36 by section 168 (1) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words and figures were substituted for the words and figures ' under rule 30 ' by section 168 (1) (i) *ibid.*

[3] The words ' and he shall also pay the said amount and the costs of the prosecution ' were omitted by section 168 (1) (ii) *ibid.*

[4] Clause (c) was omitted by section 168 (1) (iii) *ibid.*

[5] This sub-rule was added by section 168 (2) *ibid.*

[6] This rule was inserted by section 169 *ibid.*

[7] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

incidental to the administration ; and the fund shall be applicable thereto within the municipality subject to these rules and such further rules or special orders as the [1][Local Government] may prescribe or issue ; and shall be applicable thereto without the municipality if the expenditure is authorized by this Act, or specially sanctioned by the [1] [Local Government].

38. The objects of expenditure connected with the public safety include the following :—

(*a*) the lighting of public streets and the provision, purchase, exploitation and maintenance of electric, gas 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 public streets or places ;

(*f*) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity.

39. 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 municipality or without the municipality for the treatment of infectious diseases occurring in the municipality; building hospitals and dispensaries and places of reception for the sick in general ; contributing towards hospitals, dispensaries or places of reception provided by the [1][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 [1][Local Government] to provide a common hospital, dispensary or place of reception ; sending indigent inhabitants of the municipality to institutions outside the municipality for treatment ; the training of medical practitioners, medical subordinates, midwives, nurses, health officers, sanitary inspectors and analysts, the provision of nurses for attendance on patients suffering from infectious disease 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 municipality and other measures of a like nature ;

(*b*) the construction and maintenance of lunatic asylums ;

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[1] These words were substituted for the words ' Governor in Council ' by section 2 (1) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(*c*) the construction, establishment and maintenance, supervision and control of public markets and slaughter-houses ; [1][of shops, stalls and plinths ;] of latrines ; of sewage farms and all works for the removal or disposal of sewage ; of water-works, drinking fountains, tanks and wells ; of wash-houses and dhobykhanas ; of parks, squares and gardens ; the reclamation of unhealthy localities ; and other sanitary measures of a like nature ;

(*d*) the cleaning and watering of streets and drains, scavenging ; the removal of excessive or noxious vegetation ; the abatement of all nuisances ;

(*e*) the regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning grounds and crematoria ; 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, whether within or without municipal limits, 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 municipal limits, redistribution of sites in such extensions and all measures of a like nature ; [2][and the acquisition of land for any of the aforesaid purposes].

40. The objects of expenditure connected with the public convenience, education and amenities include—

(*a*) the construction, maintenance, diversion and improvement of streets, bridges, causeways, culverts and the like and the acquisition of the land necessary for the buildings to form or improve streets ; the regulation of building ; the construction of model dwellings and the encouragement of co-operative building societies by loans, grants of land, or prizes ; 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*) subject to rules 47 to 52, the establishment and maintenance of schools, the construction and maintenance of school-houses, public libraries and reading-rooms, museums, art-galleries, gymnasia or any other institutions connected with the diffusion of mental or physical culture or technical instruction or the training of teachers ;

(*c*) the holding of industrial exhibitions or fairs ;

(*d*) the construction, maintenance and adornment of public halls and theatres ; the acquisition and maintenance of recreation grounds, playing fields and promenades ;

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[1] These words were inserted by section 170 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were added by section 170 (ii) *ibid.*

(*e*) subject to all provisions of law, the construction, maintenance and purchase or exploitation of tramways and other transport services (railways not included), of telephone systems, grass farms, dairies, public bakeries and [1][other agricultural, industrial or trading concerns] of public utility either 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 ;

(*f*) 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 ;

(*g*) the construction and maintenance of rest-houses, choultries, poor-houses, pounds and other works of public utility ;

(*h*) the provision and maintenance or holding of zoological and horticultural gardens and exhibitions ;

(*i*) the provision of standard weights, scales and measures and public weighing places ;

(*j*) the provision and maintenance of public baths and bathing places ;

(*k*) the provision of music for the people ;

(*l*) the provision and maintenance of public clocks and clock-towers or a time gun ;

(*m*) the organization and maintenance of health associations ;

(*n*) the organization and maintenance of associations for the prevention of juvenile smoking and cruelty to children.

41. With the previous sanction of the Governor-General in Council, the council may—

(*a*) upon any of the public streets in the town or upon any land in or without the town which is vested in the council construct or maintain any railway which may appear to the council to be useful or necessary for 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 the town ;

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[1] These words were substituted for the words ' other industrial concerns ' by section 171 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(*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 '.

42. 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 contributions and provident fund contributions, gratuities, and pensions of, and the cost of hire of vehicles for, 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 ;

(*d*) legal expenses ;

(*e*) election expenses ;

(*f*) the provision and maintenance of municipal workshops ;

(*g*) municipal surveys, the preparation of maps of the municipality and the preparation and maintenance of a record of rights in immovable property.

Obligatory expenditure.

43. (1) Expenditure on the following objects is obligatory subject to special directions that the [1] [Local Government] may issue in respect of any municipality by notification :—

(*a*) the principal municipal office and record-room ;

(*b*) maintenance of public property and monuments vested in the municipality ;

(*c*) maintenance of property owned by the municipality ;

(*d*) salaries and pensionary and provident fund contributions, gratuities, and pensions of the municipal officers and servants according to the conditions on which such persons entered the municipal service ;

(*e*) scavenging ;

(*f*) lighting the public streets ;

(*g*) burial and burning grounds where no sufficient number is provided by other agency ;

(*h*) medical relief to the extent laid down in rules 44, 45 and 46 ;

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[1] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

(*i*) diffusion of education to the extent laid down in rules 47 to 51 ;

(*j*) registration of births and deaths ;

(*k*) vaccination ;

(*l*) provision of slaughter-houses ;

(*m*) payment of interest on and amortization of debt (if any) ;

(*n*) payment of the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the municipal council, and the maintenance of the election establishment ;

Explanation.—The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of the Government or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections.

(*o*) all other objects declared obligatory by law or rule.

(2) The Local Government shall determine every year the amount of the election expenses referred to in clause (*n*) of sub-rule (1) and their determination shall be final and binding on the municipal council. Such amount shall have priority over all other charges except charges for the service of authorized loans including the loans and advances specified in section 124-A, and the expenses specified in sub-sections (2) and (3) of section 39.

Obligatory medical expenditure.

44. (1) The council shall provide and maintain either from endowments or from the municipal fund or by grants-in-aid therefrom in accordance with such rules as may from time to time be prescribed by the [1] [Local Government]—

(*a*) a hospital or dispensary where the sick poor of the municipality shall be entitled to receive medical and surgical advice and treatment free of charge ; and

(*b*) a hospital for the treatment of patients suffering from infectious diseases in the municipality.

The Council shall provide and maintain more than one such hospital or dispersary if the [1] [Local Government] so direct provided that the [1] [Local Government] shall not so direct until the council shall have had an opportunity of submitting its views on the subject to the [2] [Local Government].

Provided further that the council shall not be bound to provide or maintain such hospitals or dispensaries when in the opinion of the [1] [Local Government] sufficient provision has otherwise been made for the treatment free of charge of the sick poor and the treatment of patients suffering from infectious diseases in the municipality.

(2) Any inhabitant of the municipality, who is not a fit object of public charity, may, subject to such regulations as the council, with the approval of the [1][Local Government], may from

[1] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

time to time frame, obtain medical or surgical advice and treatment from any hospital or dispensary maintained by the council from endowments or from the municipal fund ; provided that any charges incurred by the council in medical or surgical relief of persons other than the sick poor of the municipality or those unable to pay a medical attendant shall be reimbursed by such persons.

(3) The council may also permit the treatment in the hospitals or dispensaries maintained by it from endowments or from the municipal fund of any person not resident in the municipality.

45. The council shall provide every hospital or dispensary provided or maintained by it with all necessary drugs, instruments, apparatus, furniture and appliances on a scale approved by the [1][Local Government], and when, in the opinion of the council, provision for in-patients may be necessary, it shall also provide a sufficient number of cots, bedding, clothing, furniture and diet for such in-patients.

46. The council shall employ a medical officer for any hospital or dispensary maintained by it from endowments or from the municipal fund.

Obligatory educational expenditure.

47. The council shall, so far as the funds at its disposal may admit, make provision for the instruction in schools of all children of school-going age resident within the limits of the municipality, for whose instruction provision shall not otherwise have been made.

48. The council may provide instruction—

(i) either by schools maintained wholly from the municipal fund, or

(ii) by means of grants-in-aid to private schools from the said fund in accordance with such rules as may from time to time be prescribed by the [1][Local Government], or

(iii) by contributing towards the cost of Government schools, or

(iv) by more than one of such means.

49. The council may, with the previous sanction of the [1][Local Government], maintain either wholly from the municipal fund or by grants-in-aid therefrom elementary schools to which admission may be wholly or partly free for any class of the inhabitants which, in the opinion of the council, is by reason of poverty unable to pay the fees leviable in schools maintained by the council whether wholly from the municipal fund or by grants-in-aid therefrom.

50. (1) If at any time it seems advisable to the [1][Local Government] that a grant-in-aid should be made to any school maintained solely for the instruction of the children of any particular class of the inhabitants of any municipality [2][they may direct] the

[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the words 'he may direct' by the schedule *ibid.*

municipal council to make such grant to such school; and the council shall make it accordingly; provided that the [1][Local Government] shall not so direct until the council shall have had an opportunity of submitting its views on the subject to the [1][Local Government].

(2) The instruction to be provided by the council shall be of such standards as may from time to time be determined by the [1][Local Government].

51. (1) The council shall, unless otherwise provided by any law for the time being in force, or in the case of elementary schools exempted by the Local Government on such conditions as it may prescribe from time to time, levy in every school maintained by it, fees as may from time to time be determined by the Local Government:

Provided that if the council is satisfied that the parent or guardian of any child, resident in the municipality, is by reason of poverty unable to pay for the elementary education of such child, it may remit the whole or part of the fees, but it shall not compel the parent or guardian of such child in consideration of the said relief to send such child to any particular municipal school.

Provided further that the council may, in any secondary school, in accordance with a scheme framed by it and approved by the Director of Public Instruction, remit the whole or part of the fees of poor pupils, subject to the condition that the fee-income thus foregone shall not exceed 10 per cent of the total fees realizable from all pupils of the school at the rates determined by the Local Government.

(2) The proceeds of all fees levied by the council as aforesaid shall be expended by the council for the provision of instruction by means of schools.

Discretionary educational expenditure.

52. The council may also provide wholly from the municipal fund, or by means of grants-in-aid therefrom,

(i) for the inspection of schools maintained by it, whether wholly from the municipal fund or by grants-in-aid therefrom;

(ii) for the training of teachers for schools aided or maintained from the municipal fund;

(iii) for the instruction and training of persons for the practice of medicine, or of vaccination, or of any technical or industrial calling; and

(iv) for the maintenance of public libraries, reading rooms, gymnasia or any other institutions connected with the diffusion of education, which may be approved by the [1][Local Government].

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

Extraordinary expenditure.

53. A municipal council may, with the sanction of the [1][Local Government]

(1) contribute towards the expenses of any public exhibition, ceremony or entertainment in the municipality ;

(2) defray the cost of the preparation and presentation of addresses to persons of distinction visiting the municipality ;

(3) contribute to any charitable fund or to a fund for the defence of the municipality, India or the Empire 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 ;

(4) pay a conveyance allowance to the chairman or vice-chairman ;

(5) pay the expenses of the chairman, members of the council and municipal officers and servants travelling on municipal business ; and

(6) any other extraordinary charges.

Receipts and payments.

54. All moneys received by the council shall be lodged in the nearest Government treasury or, with the sanction of the [1][Local Government], in a bank :

Provided that the municipal council may, with the sanction of the [1][Local Government], invest any sums not required for immediate use either in a Government savings bank or in Government securities, or in any other security which may be approved by the [1][Local Government.]

55. (1) [2][All orders or cheques against the municipal fund shall be signed by the [3](executive authority), or by some person duly authorized in this behalf by him.] The treasury or bank in which the fund is lodged shall, so far as the funds to the credit of the council admit, pay all orders or cheques against the fund which are so signed.

(2) If the council shall have given previous authority in writing such treasury or bank may at once pay out of the municipal fund without such order or cheque any expense which the [1][Local Government] [4][have incurred] on behalf of the council.

Audit, surcharge and disallowance.

56. The [3][executive authority] shall submit all accounts to auditors as required by them.

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[1] These words were substituted for the words 'Governor in Council' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This sentence was substituted for the original first two sentences by section 172 *ibid.*

[3] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[4] These words were substituted for the words 'has incurred' by the schedule to the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

57. 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.

58. The auditors shall—

(*a*) report to the council any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the council or in the municipal accounts ;

(*b*) furnish to the council such information as it may require concerning the progress of their audit ;

(*c*) report to the council 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 or such loss or waste ; and

(*d*) submit to the council a final statement of the audit and a duplicate copy thereof to the [1][Local Government] within a period of three months from the end of the financial year, or within such other period as the [1][Local Government] may notify.

59. The [2][Executive authority] shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the council.

60. (1) The auditors may disallow every item contrary to law and surcharge the same on the person making, or authorizing the making of, the illegal payment ; and may 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 by registered post a copy thereof to the person against whom it is made.

(3) If the person to whom a copy of the auditor's decision is so furnished refuses to receive it, he shall nevertheless be deemed

[1] These words were substituted for the words ' Governor in Council ' by section 2 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] These words were substituted for the word ' chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days fixed in rules 61 and 62 shall be calculated from the date of such refusal.

61. 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, either—

(*a*) apply to the principal civil court of original jurisdiction 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

(*b*) in lieu of such application may appeal to the Local Government who shall pass such orders as they think fit.

62. Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the [1][executive authority,] 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 Local Government against the decision ; and such sum if not so paid, or such sum as the court or the Local Government shall declare to be due, shall be recoverable on an application made by the [1][executive authority,] to the court in the same way as an amount decreed by the court.

[2][APPENDIX A.

Distraint Warrant.

[See rule 30 (4).]

Warrant No.

To

(Name of officer charged with execution of warrant.)

(State tax or taxes due and premises, if any, in respect of which the tax or taxes are due.)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rs. A. P. due for the tax or taxes noted above for the ending 19 , although the said sum has been duly demanded from the said and fifteen * days have elapsed since such demand was made : This is to command you to demand the said sum of Rs. A. P. together with annas two for warrant fee, failing payment of which you are to distrain the goods and chattels of the said (or, as the case may be, any goods and chattels found on the premises referred to), to the amount of the said sum of Rs. A. P. together with Rs. A. P. for warrant fee and distraint fee making together a sum of Rs. A. P. and such further sum as may be sufficient to defray the charges of keeping and selling such distraint ; and if within seven days next after such distraint, (the amount due on account of the said tax or taxes and fee shall not be paid, together with such further sum as may be sufficient to defray the charges of keeping such distraint, to sell the said goods and chattels under orders to be hereafter issued by me, and to remit to the municipal office the sale-proceeds of the distrained property,

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[1] These words were substituted for the word ' chairman ' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] Appendices A, B and C were substituted for the original Appendices by section 173 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

out of which the amount due on account of the said taxes and fees, viz., Rs. A. P. and the charges on keeping, and selling such distraint will be deducted and credited to the municipal fund, and the surplus, if any, returned to the owner of the goods and chattels distrained. If distraint or sufficient distraint cannot be found of the goods and chattels of the said , you are to certify the same to me together with this warrant.

(Signature of the [1][executive authority].)]

STATION

Date 19 .

[* Three days in case of tax on servants.]

[2][APPENDIX B.

Form of Inventory and Notice.

[See rule 31 (1) (*c*).]

(State particulars of goods and chattels seized.)

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of Rs. A. P. due for the tax or taxes mentioned in the margin for the onding 19 ; and that unless you pay into the office of the municipality of the amount due together with the warrant fee, the distraint fee and cost of keeping the goods and chattels, within seven days from the date of this notice, the goods and chattels will be sold on the day of 19 , at the municipal office or at such other place as the [1] (executive authority) may direct; and that the goods and chattels may be sold at any previous date, if they are liable to speedy and natural decay.

(Signature of the officer executing the warrant of distress.)]

STATION

Date 19 .

[2][APPENDIX C.

Table of Fees payable on Distraints.

[See rule 33 (1).]

Sum distrained for.	Fees. RS.	A.	P
Under 1 rupee	0	4	0
1 rupee and over but under 5 rupees	0	8	0
5 rupees ,, ,, 10 ,, ...	1	0	0
10 ,, ,, ,, 15 ,, ...	1	8	0
15 ,, ,, ,, 20 ,, ...	2	0	0
20 ,, ,, ,, 25 ,, ...	2	8	0
25 ,, ,, ,, 30 ,, ...	3	0	0
30 ,, ,, ,, 35 ,, ...	3	8	0
35 ,, ,, ,, 40 ,, ...	4	0	0
40 ,, ,, ,, 45 ,, ...	4	8	0
45 ,, ,, ,, 50 ,, ...	5	0	0
50 ,, ,, ,, 60 ,, ...	6	0	0
60 ,, ,, ,, 80 ,, ...	7	8	0
80 ,, ,, ,, 100 ,, ...	9	0	0
100 rupees and over	10	0	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each peon.]

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] Appendices A, B and C were substituted for the original Appendices by section 173 of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

SCHEDULE V.

PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENCE UNDER SECTION 249.

[*See* section 249.]

(*a*) Washing soiled clothes and keeping soiled clothes for the purpose of washing them, and washed clothes ;

(*b*) boiling paddy, or camphor ;

(*c*) melting tallow or sulphur ;

(*d*) storing or otherwise dealing with manure, offal, blood, bones, rags, hides, fish, horns or skins ;

(*e*) washing or drying wool or hair ;

(*f*) making fish-oil ;

(*g*) making soap, dyeing, boiling or pressing oil, [1][burning] bricks, tiles, pottery or lime ;

(*h*) manufacturing or distilling sago ; manufacturing artificial manure ; manufacturing beedies ;

(*i*) manufacturing gunpowder or fireworks ;

(*j*) keeping a public halting-place, choultry or other rest-house for travellers (other than a choultry or rest-house maintained by the Government or a local authority), a hotel, restaurant, eating-house, coffee house, boarding house or lodging house (other than a students' hostel under public or recognized control) ;

(*jj*) keeping a shaving or hair-dressing saloon ;

(*k*) keeping together twenty or more sheep or goats or ten or more pigs or head of cattle ;

(*l*) preparing flour or articles made of flour for human consumption or sweetmeats ;

(*m*) manufacturing ice or ærated waters ;

(*n*) selling or storing timber, firewood, thatching materials, hay, grass, straw, fibre, coal or charcoal ;

(*o*) selling grain, groundnut, chillies or jaggery wholesale or storing any of the said articles for the wholesale trade ;

(*p*) manufacturing jaggery or sugarcandy ;

[2][(*q*) storing any explosive or combustible materials ;]

[2][(*r*) manufacturing anything from which offensive or unwholesome smells arise ;]

[2][(*s*) using for any industrial purpose any fuel or machinery ; and]

[2][(*t*) in general, doing in the course of any industrial process anything which is likely to be dangerous to human life or health or property :]

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[1] This word was substituted for the word ' making ' by section 174 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] Clauses (*q*), (*r*), (*s*) and (*t*) were substituted for the original clause (*q*) by section 174 (ii) *ibid.*

Provided that no licence shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre, or coal or for boiling paddy [1][when such storage or boiling is] for private use.

SCHEDULE VI.

List of Dangerous Diseases.

[*See* section 287.]

Acute influenzal pneumonia.	Leprosy.
Anthrax.	Plague.
Chickenpox.	Smallpox.
Cholera.	Tuberculosis.
Diphtheria.	Typhoid fever.
Enteric fever.	Influenza.
Glanders.	Relapsing fever.
	Rabies.

SCHEDULE VII.

Ordinary Penalties.

[*See* section 313.]

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
[30	(1)	Interested councillor voting or taking part in discussion.	Fifty rupees.]
88	..	Failure to give notice of transfer of title or to produce documents.	Fifty rupees.
89	[3][(1)]	Failure to send notice to [4][executive authority] after completion of construction or reconstruction of building.	Do.
91	(1)	Failure of owner or occupier to furnish return of rent, etc.	One hundred rupees.
96	..	Failure of owner or occupier to obey requisition to furnish list of persons carrying on profession, art, etc.	Do.
97	..	Failure of employer or head of an office, firm or company to obey requisition to furnish list of persons in his employ.	Do.
102	[5][(2)]	Failure of occupier to obey requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement.	Ten rupees.
104	..	Failure to obey order to affix and register number of carriage.	Do.
105	(2)	Failure of owner to register cart or other vehicle.	Do.
..	(3)	Failure to have or keep registration number affixed to cart.	Do.

[1] These words were inserted by section 174 (iii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).
[2] This item was inserted by section 175 (i) *ibid.*
[3] This figure was entered by section 175 (ii) *ibid.*
[4] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).
[5] This figure was entered by section 175 (iii) of the Madras District Municipalities (Amendment) Act 1930, (Madras Act X of 1930).

ORDINARY PENALTIES—*cont.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
[1][109	..	Failure to furnish lists of servants employed.	Fifty rupees.]
[2][	*	* * * *	]
[3][127]	..	Trespassing on premises connected with the water supply.	Do.
130	..	Failure to maintain house connexions in conformity with by-laws and regulations.	Do.
131	(2)	Failure to obey requisition to make house connexion.	Do.
138	..	Failure to maintain house-drains, etc., in conformity with by-laws and regulations.	Do.
139	(2) & (3)	Failure to obey requisition as to house drainage.	Do.
140	(1) (*b*)	Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain.	Do.
142	..	Unlawful construction of building over public drain.	One hundred rupees.
143	[4][ ]	Failure to obey requisition regarding culverts, etc., or to keep them free from obstruction.	Fifty rupees.
144	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Do.
146	..	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.
147	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees.
148	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order.	Do.
149	..	Failure to construct latrines so as to screen persons using them from view.	Twenty-rupees.
151	..	Making connexion with mains without permission.	Two hundred rupees.
157	..	Improper disposal of carcasses, rubbish and filth.	Ten rupees.
[5][158	..	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours, etc.	Twenty rupees.]
159	..	Allowing filth to flow in streets ..	Ten rupees.
160	..	Using cart without cover in removal of filth, etc.	Twenty-rupees.
161	..	Throwing rubbish or filth into drains.	Do.
167	..	Building within regular lines of street.	One thousand rupees.

1 This item was inserted by section 175 (iv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

2 The item relating to section 113 was omitted by schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

3 These figures were substituted for the figures '119' by section 175 (v) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

4 The figure (2) was omitted by section 175 (vi) *ibid.*

5 This item was substituted for the original by section 175 (vii) *ibid.*

ORDINARY PENALTIES—*cont.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
[1][168	(1)	Failure to obey orders to set back buildings.	Five hundred rupees.]
173	..	Unlawful displacement, etc., of pavement or fences, posts and other materials of public street.	Fifty rupees.
[2][174A	(1)	Using a motor vehicle for hire or a motor lorry without licence or contrary to licence.	Two hundred rupees.]
[2][175	..	Failure to provide roads, etc., on building-sites prior to disposal.	Do.]
176	(5)	Unlawful making or laying of new private street.	Five hundred rupees.
178	..	Failure to obey requisition to metal, etc., private street.	One hundred rupees.
[3][180]	..	Building wall or erecting fence, etc., in a public street.	Do.
[4][180-A	..	Obstructing a person in the use of a street referred to in section 180-A.	Rs 100].
181	..	Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees.
182	..	Failure to remove permanent encroachment.	Two hundred rupees.
183	..	Failure to remove temporary encroachment.	Fifty rupees.
185	..	Unlawful removal of bar, or shoring timber, etc., or removal or extinction of light.	Twenty rupees.
186	..	Unlawful making of hole or placing of obstruction in street.	Fifty rupees.
187	..	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Do.
..	..	Failure to fence, etc., such building while under repair or failure to remove obstruction.	Do.
188	..	Failure to remove obstruction caused in street by fall of trees, etc., within 12 hours of fall.	Do.
189	(3)	Unlawful destruction, etc., of name of street.	Twenty rupees.
190	(2)	Unlawful destruction, etc., of number of building.	Five rupees.
190	(3)	Failure to replace number when required to do so.	Twenty rupees.
[5][193	(5)	Constructing or reconstructing building contrary to declaration issued by council.	Two hundred rupees.]
[5][194	(1)	Failure to obey requisition to round or splay off buildings at corners of streets.	One hunded rupees.]
195	..	Construction of external roofs, etc., with inflammable materials.	Fifty rupees.
196	..	Construction of door or window, etc., to open outwards on public street.	Twenty rupees.
214	..	Failure to keep external walls of premises in proper repair.	Do.

1 This item was inserted by section 175 (viii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).
2 These items were inserted by section 175 (ix) *ibid.*
3 These figures were substituted for the figures '183' by section 175 (x) *ibid.*
4 This item was inserted by section 5 of the Madras District Municipalities (Amendment) Act 1929 (Madras Act XVII of 1929).
5 These items were inserted by section 175 (xi) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

ORDINARY PENALTIES—*cont.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
218	(1)	Failure to obey requisition to take down repair or secure dangerous structure.	Five hundred rupees.
219	(1)	Failure to obey requisition to secure lop or cut down dangerous trees.	Fifty rupees.
220	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Do.
221	..	Failure to obey requisition to stop dangerous quarrying.	One hundred rupees.
222	..	Failure to obey notice regarding precautions against fire.	Do.
223	(1)	Constructing well, etc., without permission.	Fifty rupees.
	(3)	Failure to obey notice to fill up or demolish well, etc.	Do.
224	..	Failure to obey requisition to fill up, etc., tank or well, or drain off water, etc.	Do.
225	..	Cultivating contrary to prohibition or regulations.	Five hundred rupees.
226	..	Failure to obey requisition to cleanse or close, etc., tank, well or other source of water used for drinking.	Fifty rupees.
[1][227-A	..	Obstructing a person in the use and enjoyment of a well, tank or reservoir referred to in section 227-A.	One hundred rupees.]
228	..	Unlawful washing and fishing in river, etc., after prohibition or contrary to regulations.	[Fifty rupees.][2]
230	..	Washing of clothes by washermen at unauthorized places.	[2] [Twenty rupees.]
231	..	Defiling water of tanks, etc. ..	[2] [Fifty rupees.]
232	..	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	Fifty rupees.
233	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Do.
234	..	Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Do.
235	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Do.
236	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of building and fifty rupees in the case of hut.
237	(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.	Do.
238	(1)	Allowing overcrowding in building after order to abate the same.	Ten rupees for each day.

[1] This item was inserted by section 5 of the Madras District Municipalities (Amendment) Act, 1929 (Madras Act XVII of 1929).

[2] These entries were substituted for the original by section 175 (xii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

ORDINARY PENALTIES—*cont.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
238	(4)	Failure to obey requisition to vacate overcrowded building or room.	Ten rupees for each day.
239	..	Feeding animals on filth	Fifty rupees.
240	..	Unlawful keeping of animal so as to be a nuisance or dangerous.	Ten rupees.
245	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Fifty rupees.
246	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Do.
247	..	Use of place as stable, cattle-shed, etc., contrary to notice issued by [1][executive authority].	Two hundred rupees.
[249	(1)	Using a place for any of the purposes specified in schedule V without licence or contrary to licence.	One hundred rupees.]
250	..	Unlawful erection of factory, workshop, etc.	One thousand rupees.
251	..	Disobedience of order regarding abatement of nuisance.	One hundred rupees.
255	..	Use of place as slaughter-house without licence or contrary to licence.	Two hundred rupees.
257	..	Slaughter of animals for sale or food or skinning or cutting up carcasses or drying skin so as to cause a nuisance.	Twenty rupees for every animal, carcass or skin.
258	..	Carrying on milk trade without licence or contrary to licence.	Fifty rupees.
[3] [259	..	Obstructing a person in the use of a market referred to in section 259.	Rs. 100.]
261	..	Sale or exposure for sale in public market of animal or article [4][ ] without licence or contrary to licence.	Twenty rupees.
262	..	Opening or keeping open private market without licence or contrary to licence.	Five hundred rupees.
263	..	Sale or exposure for sale of animal or article in unlicenced private market.	Twenty rupees.
264	(2)	Failure to obey direction to construct approaches, drains, etc., to private markets or to pave them, etc.	Fifty rupees.
265	(2)	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.	Twenty rupees for each day.
266	..	Nuisances in private markets ..	Twenty rupees.
269	..	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	One hundred rupees.
270	..	[5][Sale or exposure for sale of animal or article in public street.]	Ten rupees.
[270-C	..	Using a public place or the sides of a public street or public landing place, etc.	Two hundred rupees.]

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1 These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

2 This item was inserted by section 175 (xiii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

3 This item was inserted by section 5 of the Madras District Municipalities (Amendment) Act, 1929 (Madras Act XVII of 1929).

4 The words 'of food' were omitted by section 175 (xiv) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

5 These words were substituted for the words 'sale of article in public streets' by section 175 (xv) (*a*) *ibid.*

6 This item was inserted by section 175 (XV) (*b*) *ibid.*

ORDINARY PENALTIES—*cont.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
[1] [270-E	..	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Two hundred rupees.]
273	..	Preventing the [2] [executive authority] or any person authorized by him from exercising his powers of entry, etc., under this section.	Fifty rupees.
275	..	Removing or in any way interfering with an animal or article secured under [3] [section 274].	Five hundred rupees.
[4] [279	(1)	Opening, etc., without licence a new place for the disposal of the dead.	One hundred rupees.]
281	(3)	Use or allowance of use of burial or burning ground which has not been registered, licenced or provided.	One hundred rupees.
282	..	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees.
283	(3)	Burial or burning in a place after prohibition.	One hundred rupees.
284	..	Offences in respect of corpses ..	Fifty rupees.
285	..	Discharge of office of grave-digger or attendant at place for disposal of dead without licence.	Five rupees.
288	..	Failure of medical practitioner or owner to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees.
290	..	Failure to obey requisition to cleanse or disinfect buildings or articles.	Do.
291	(3)	Washing of infected articles at unauthorized places.	Do.
292	..	Giving, lending, etc., of infected articles.	Do.
293	..	Using water after prohibition ..	Do.
295	..	Infected person carrying on occupation.	Do.
296	(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.
297	..	Letting or sub-letting of infected building without previous disinfection, etc.	Two hundred rupees.
298	..	Failure to close place of public entertainment.	Do.
299	..	Sending infected child to school ..	Fifty rupees.

[1] This item was inserted by section 175 (xv) (*b*) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930)

[2] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[3] This word and these figures were substituted for the word and figures 'section 269' by section 175 (xvi) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[4] This item was inserted by section 175 (xvii) *ibid.*

ORDINARY PENALTIES—*cont.*

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
[1][301]	..	Failure to give information of smallpox.	Fifty rupees.
302	..	Person entering municipality within forty days of inoculation for small-pox without certificate.	One hundred rupees.
321	(8)	Failure to produce licence on request.	Five rupees.
[2][325	..	Failure to obey summons	Fifty rupees.]
333	(1)	Failure of occupier to obey requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day.
359	..	Obstructing or molesting municipal council, etc.	Fifty rupees.
360	..	Removing mark set up for indicating level, etc.	Do.
361	..	Removal, etc., of notice exhibited by or under orders of the council.	Do.
362	..	Unlawful removal of earth, sand or other material from land vested in the council or deposit of matter or encroachment in or on river estuary, etc.	Twenty rupees.
Rule 57 of schedule IV	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Fifty rupees.

SCHEDULE VIII.

PENALTIES FOR CONTINUING BREACHES.

(*See* section 313.)

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
130	..	Failure to maintain house-connexions in conformity with by-laws and regulations.	Five rupees.
131	(2)	Failure to obey requisition to make house-connexion.	Do.
138	..	Failure to maintain house-drains, etc., in conformity with by-laws and regulations.	Ten rupees.
139	(2) and (3)	Failure to obey requisition as to house-drainage.	Do.
144	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Do.
146	..	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.
147	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	Twenty rupees.

[1] These figures were substituted for the figures '300' by section 175 (xviii) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[2] This item was inserted by section 175 (xix) *ibid.*

PENALTIES FOR CONTINUING BREACHES—*cont.*

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
148	..	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.
[1] [167]	..	Building within regular lines of street.	One hundred rupees.
[2] [174-A	(1)	Using a motor vehicle for hire or a motor lorry without licence or contrary to licence.	Fifty rupees.]
182	..	Failure to remove permanent encroachment.	Ten rupees.
183	..	Failure to remove temporary encroachment.	Five rupees.
186	..	Unlawful making of hole or placing of obstruction in street.	Ten rupees.
187	..	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Do.
[3] [194	(1)	Failure to obey requisition to round or splay off buildings at corners of streets.	Fifty rupees.]
195	..	Construction of external roofs, etc., with inflammable materials.	[4] [Ten rupees.]
214	..	Failure to keep external walls of premises in proper repair.	Do.
220	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Do.
221	..	Failure to obey requisition to stop dangerous quarrying.	Do.
222	..	Failure to obey notice regarding precautions against fire.	Do.
224	..	Failure to obey requisition to fill up, etc., tank or well or drain off water, etc.	Do.
226	..	Failure to obey requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking.	Do.
232	..	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	Do.
233	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Do.
234	..	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees or lower an enclosing wall.	Do.
235	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Fifty rupees.
236	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of building and five rupees in the case of hut.

[1] These figures were substituted for the figures '168' by section 176 (i) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).
[2] This item was inserted by section 176 (ii) *ibid.*
[3] This item was inserted by section 176 (iii) *ibid.*
[4] These words were substituted for the word 'Do.' by section 176 (iv) *ibid.*

PENALTIES FOR CONTINUING BREACHES—*cont.*

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
240	..	Unlawful keeping of animal so as to be a nuisance or dangerous.	Five rupees.
245	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Ten rupees.
246	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act, or subsidiary legislation.	Do.
247	..	Use of place as stable, cattle-shed, etc., contrary to notice issued by [1][executive authority].	Fifty rupees.
[2][249	(1)	Using a place for any of the purposes specified in Schedule V without licence or contrary to licence.	Twenty rupees.]
250	..	Unlawful erection of factory, workshop, etc.	One hundred rupees.
251	..	Disobedience of order regarding abatement of nuisance.	Do.
255	..	Use of place as slaughter-house without licence or contrary to licence.	Fifty rupees.
258	..	Carrying on milk trade without licence or contrary to licence.	Five rupees.
262	..	Opening or keeping open private market without licence or contrary to licence.	One hundred rupees.
263	..	Sale or exposure for sale of animal or article in unlicensed private market.	Twenty rupees.
269	..	Carrying on butcher's, fish monger's or poulterer's trade without licence, etc.	Ten rupees.
[3] [270-C	..	Using a public place or the sides of a public street as a public landing place, etc.	Twenty rupees.]
[3] [270-E	..	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Twenty rupees.]
[3][279	..	Using without licence a place for the disposal of the dead.	One hundred rupees.]
290	..	Failure to obey requisition to cleanse or disinfect buildings or articles.	[4] [Ten rupees.]
[5][298	..	Failure to close place of public entertainment.	One hundred rupees.]
Rule 57 of Schedule IV.	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Twenty-five rupees.

[6] [SCHEDULE IX.

LIST OF MUNICIPALITIES FOR WHICH COMMISSIONERS SHALL BE APPOINTED.

[*See* sections 3 (8 C) and 12 C.]

(1) Bezwada, (2) Coimbatore, (3) Kumbakonam, (4) Madura (5) Ootacamund, (6) Rajahmundry, (7) Salem, (8) Tanjore, (9) Trichinopoly and (10) Tuticorin.]

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[1] These words were substituted for the word 'chairman' by section 17 (1) of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

[2] This item was inserted by section 176 (v) of the Madras District Municipalities (Amendment) Act, 1930 (Madras Act X of 1930).

[3] These items were inserted by section 176 (vi) *ibid.*

[4] These words were substituted for the word 'Do.' by section 176 (vii) *ibid.*

[5] This item was inserted by section 176 (viii) ibid.

[6] This schedule was added by section 16 of the Madras District Municipalities (Amendment) Act, 1933 (Madras Act XV of 1933).

MADRAS ACT No. VI OF 1920.[1]

[An Act to amend the Madras Irrigation Cess (Amendment) Act, 1913.]

[31*st August*, 1920.]

Preamble. WHEREAS it is expedient to amend the Madras Irrigation Cess (Amendment) Act, 1913 ; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Madras Irrigation Cess (Amendment) Act, 1920.

Amendment of section 1 of Madras Act II of 1913. 2. In section 1 of Madras Act II of 1913, as amended by Act II of 1916, the words "and shall continue in force until the 31st day of December 1920" shall be omitted.

Amendment of section 1-A of Madras Act VII of 1865 and section 5 of Madras Act II of 1913. 3. Clause (3) of section 1-A inserted in Act VII of 1865 by section 4 of Act II of 1913, and section 5 of Act II of 1913 shall be deleted.

MADRAS ACT No. VII OF 1920.

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MADRAS ACT No. VII OF 1920.[1]

[THE MADRAS TOWN PLANNING ACT, 1920.]

[*7th September*, 1920.]

Preamble. WHEREAS it is expedient that the development of towns should be regulated to secure to their present and future inhabitants sanitary conditions, amenity, and convenience ;

[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 9th March 1920, pages 298–299 ; for Report of the Select Committee *see ibid.*, dated 15th June 1920, pages 759–794 ; and for Proceedings in Council, see *ibid.*, dated 15th June 1920, pages 819–823, and *ibid.*, dated 2nd November 1920, pages 1333–1367.

AND WHEREAS the previous sanction of the Governor-General required by section 79, sub-section (2) of the Government of India Act, 1915, has been obtained to the passing of this Act ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (1) This Act may be called the Madras Town-Planning Act, 1920.

(2) It shall extend to the whole of the Madras Presidency.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) ' Chairman ' means the ' Commissioner of the Corporation of Madras ' in the City of Madras, and the ' Chairman of the Municipal Council ' in other municipalities.

(2) ' Director ' means the Director of Town-Planning appointed under this Act.

(3) ' Municipality ' means the City of Madras as defined in the Madras City Municipal Act, 1919, and any local area in which the Madras District Municipalities Act, 1920, is in force.

(4) ' Owner ' includes 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 rents or profits of the property in connexion with which the word is used.

(5) ' Plot ' means a continuous portion of land held in one ownership other than land used, allotted or reserved for any public or municipal purpose.

(6) ' Prescribed ' means prescribed by rules made under this Act.

(7) ' Reconstituted plot ' means a plot which is in any way altered by the making of a town-planning scheme otherwise than by the severance of land used, allotted or reserved for any public or municipal purpose.

[1][(8) ' Responsible authority ' means ' the authority or person, who is specified in a scheme as responsible for carrying out or enforcing the observance of all or any of the provisions of the scheme or for enforcing the execution of any works which under the scheme are to be executed by any authority, owner, or other person.']

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[1] Clause (8) of section 2 was renumbered as clause (9) of section 2 and new clauses (8) and (10) were inserted by section 2 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[1][(9)] 'Scheme' means a town-planning scheme and includes a plan relating to a town-planning scheme.

[1][(10) 'Town-planning' includes town-improvement.]

CHAPTER II.

TOWN-PLANNING SCHEMES.

[2] **3.** [. . .]

Matters that may be dealt with in scheme.

4. A town-planning scheme may provide for all or any of the following matters :—

[3][(*a*) the laying out or relaying out of land, either vacant or already built upon, as building sites or for any of the purposes mentioned in this section ;]

(*b*) the construction, diversion, extension, alteration, improvement or closure of streets, roads and communications ;

(*c*) the construction, alteration, removal [4] [or] demolition of buildings, bridges and other structures ;

(*d*) the acquisition by purchase, exchange or otherwise, of any land [5] [or other immovable property] within the area included in the scheme whether required immediately [6] [. . .] or not ;

(*e*) the redistribution of boundaries and the reconstitution of plots belonging to owners of property comprised in the scheme ;

(*f*) the disposal by sale, exchange, lease or otherwise of land acquired or owned by the council ;

(*g*) transport facilities ;

(*h*) water-supply ;

(*i*) lighting ;

(*j*) drainage inclusive of sewerage and of surface draining and sewage disposal ;

(*k*) the allotment or reservation of land for streets, roads, squares, houses [7] [. . .], buildings for religious and charitable purposes, open spaces, gardens, recreation grounds, schools, markets, shops, factories, hospitals, dispensaries, Government and municipal buildings, and public purposes of all kinds.

(*l*) construction of houses [7] [. . .];

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[1] Clause (8) of section 2 was renumbered as clause (9) of section 2 and new clauses (8) and (10) were inserted by section 2 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] Section 3 was omitted by section 3 *ibid.*

[3] Clause (*a*) of section 4 was substituted by section 4 *ibid.*

[4] This word was substituted for the word 'and' by section 4 (ii) *ibid.*

[5] These words were inserted by section 4 (iii) *ibid.*

[6] The words 'for building purposes' were omitted by section 4 (iii) *ibid.*

[7] The words 'for the poorer and working classes' were omitted by section 4 (iv) *ibid.*

(*m*) the preservation of objects and buildings of archæological or historic interest or of natural beauty or actually used for religious purposes or regarded by the public with special religious veneration ;

(*n*) the imposition of conditions and restrictions in regard to the character, number, architectural features and height of buildings allowed in specified areas, and the purposes to which buildings or specified areas may or may not be appropriated ; and the provision and maintenance of sufficient open space about buildings ;

(*o*) the suspension, [1] [restriction or modification] so far as may be necessary for the proper carrying out of the scheme, of any provision in the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, [2] [1920], or in any rule, by-law or regulation made under the said Acts and in force in the area included in the scheme ;

(*p*) the [3] [suspension restriction or] modification, so far as may be necessary for the proper carrying out of the scheme, of any provision in the Madras Estates Land Act, 1908, affecting the conversion of holdings or portions thereof into building land in the area included in the scheme ;

Explanation.—The word 'holding' in this clause shall have the same meaning as in the Madras Estates Land Act, 1908.

[4] [(*q*) the advance to the owners of land or buildings comprised within the scheme, upon such terms and conditions as may be provided by the scheme, of the whole or part of the amount required for the erection of buildings or for the carrying out of the works, alterations or improvements in accordance with the scheme] ;

[4] [(*r*)] such other matters not inconsistent with the objects of this Act as may be prescribed.

Reconstituted plots.

5. (1) [5][. . .] The size and shape of every reconstituted plot shall be so determined as to render it, so far as may be suitable for building purposes.

(2) In order to render original plots more suitable for building purposes, the scheme may contain proposals—

(*a*) to form a reconstituted plot by the alteration of the boundaries of an original plot ;

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[1] These words were inserted by section 4 (v) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] The figures '1920' were substituted for the figures '1884' by section 4 (v) *ibid.*

[3] These words were inserted by section 4 (vi) *ibid.*

[4] Clause (*q*) of section 4 was relettered as clause (*r*) and a new clause (*q*) was inserted by section 4 (vii) *ibid.*

[5] The words 'In the scheme' were omitted by section 5 *ibid.*

(*b*) to provide, with the consent of the owners, that two or more original plots, each of which is held in ownership in severalty or in joint ownership, shall thereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot ;

(*c*) to allot a plot to any owner dispossessed of land in furtherance of the scheme ; and

(*d*) to transfer the ownership of a plot from one person to another.

6. [1] [Omitted.]

CHAPTER III.

MAKING, VARIATION AND REVOCATION OF SCHEMES AND THEIR EFFECT.

Appointment of Director of Town-Planning.

7. (1) The Local Government may appoint a person to be Director of Town-Planning for the province and may assign to him from time to time such salary and establishment as they think fit.

(2) The cost of such officer and his establishment shall be paid out of the revenues of the Local Government.

(3) Municipal councils shall consult the Director on such matters relating to town-planning, and in such manner as may be prescribed. If any difference arises between the Director and a council on any matter so prescribed, it shall be referred to the Local Government whose decision shall be final.

Obligation on certain councils to make schemes not later than the 31st March 1934.

[2] [**8.** (1) Every municipal council constituted prior to the 1st day of April 1930 shall, not later than the 31st day of March 1934 and every municipal council constituted after the 1st day of April 1930 shall, not later than four years from the date of the constitution of such council, prepare, publish and submit for the sanction of the Local Government a general town-planning scheme in respect of all land within the municipality and in its vicinity unless the Local Government order otherwise.

(2) Notwithstanding anything contained in sub-section (1), the Local Government may, after making such enquiry as they may deem necessary by notification in the *Fort St. George Gazette*, direct any municipal council to prepare, publish and submit for their sanction before an appointed date a general town-planning scheme under this section for an area specified in such notification.

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[1] Section 6 was omitted by section 6 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] Section 8 was substituted for the original by section 7 *ibid.*

(3) A general town-planning scheme shall determine the lines on which the improvement and development of the area within the municipality and in its vicinity shall proceed and shall provide for such of the matters referred to in section 4 and to such extent as may be prescribed.]

Declaration of intention to make or adopt scheme.

9. [1][(1) A municipal council may, by resolution, decide to prepare a scheme in respect of any land, within the municipal area, or in its vicinity outside such area, or to adopt with or without modifications a draft scheme proposed by all or any of the owners of any such land. The chairman shall then have a plan prepared showing the land proposed to be included in the scheme, the surrounding lands and any existing streets] :

(2) No town-planning scheme made or adopted by a municipal council shall include any area outside its limits without the concurrence of the municipal council or of the district board, as the case may be, having jurisdiction over such area :

[2][Provided that if the municipal council or district board concerned omits, for four months from the date of receipt of the communication requesting such concurrence, to send a final reply thereto, such concurrence shall be deemed to have been given.]

Provided [3][further] that, where such concurrence is refused, the Local Government may, after considering the objections of such council or district board, overrule them, and permit such area to be included in the scheme.

(3) The decision of the Local Government as to whether any land is in the vicinity of a municipal area shall be final.

Resolution to make or adopt scheme.

[4][**10.**] The resolution under section 9 shall be published by notification in the prescribed manner by the chairman ; and such notification shall state that a copy of the plan is kept for the inspection of the public at all reasonable hours at the municipal office.

[4](2) [(Omitted.)]

[4](3) [(Omitted.)]

Publication of draft scheme.

11. (1) If the resolution is to make a scheme, the municipal council shall, within twelve months from the date of the notification under section 10, [5][. . .], or within such further period, not exceeding twelve months, as the Local

[1] Sub-section (1) of section 9 was substituted by section 8 (i) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] This proviso was added by section 8 (ii) *ibid.*

[3] The word 'further' was inserted by section 8 (ii) *ibid.*

[4] Sub-section (1) of section 10 was renumbered as section 10 and sub-sections (2) and (3) of that section were omitted by section 9 *ibid.*

[5] The words, figure and brackets 'sub-section (3)' were omitted by section 10 (i) *ibid.*

Government may allow, and after consulting, in the prescribed manner, the owners of lands and buildings in the area affected, prepare, [1][. . .] and publish a draft scheme.

(2) If the resolution is to adopt a draft scheme proposed by owners, the council shall, without delay [2][. . .] publish such scheme.

Power of Local Government to require council to make scheme.

12. Notwithstanding anything contained in [3][sections 9 to 11], the Local Government may, in respect of any municipality, after making such inquiry as they may deem necessary, by notification in the *Fort St. George Gazette*, require the council, before a fixed date, [4][to prepare, publish and submit for their sanction a draft scheme] as respects any land in regard to which a town-planning scheme may be made.

Contents of draft scheme.

13. [5][(1)] Every draft scheme shall contain the following particulars :—

(*a*) a plan showing the lines of existing and proposed streets ;

(*b*) the ownership of all lands and buildings in the area to which the scheme relates ;

(*c*) the area of all such lands whether public or private ;

[6][(*d*) a full description of all details of the scheme under such clauses of section 4 as may be applicable.]

[7][(*e*) Omitted.]

(*f*) an estimate of the [8][. . .] cost of the scheme ;

[9][(*g*) regulations for enforcing or carrying out the provisions of the scheme ; and defining the responsible authority and the period for which such responsible authority shall function.]

(*h*) any other particulars or plans that may be prescribed or specially required by the Local Government.

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[1] The word 'print' was omitted by section 10 (i) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] The words 'print and' were omitted by section 10 (ii) *ibid.*

[3] These words and figures were substituted for the words and figures 'sections 8 to 11' by section 11 (i) *ibid.*

[4] These words were substituted for the words 'to prepare, print and submit for their sanction a scheme' by section 11 (ii) *ibid.*

[5] Section 13 was renumbered as sub-section (1) of section 13 by section 12 (i) *ibid.*

[6] Clause (*d*) was substituted by section 12 (i) (*a*) *ibid.*

[7] Clause (*e*) was omitted by section 12 (i) (*b*) *ibid.*

[8] The word 'net' was omitted by section 12 (i) (*c*) *ibid.*

[9] Clause (*g*) was substituted by section 12 (i) (*d*) *ibid.*

[1][(2) Every draft scheme which includes a housing scheme shall also contain the following particulars, namely :—

(i) the approximate number and the nature of the houses to be provided by the 'responsible authority' ;

(ii) the approximate quantity of land to be acquired and the localities in which land is acquired ;

(iii) the average number of houses per acre ; and

(iv) all matters incidental to the housing scheme.]

[1][(3) A draft scheme may provide that any person who commits or knowingly permits a breach of any specified provision of the scheme, or who neglects or fails to comply with any such provision, shall, on conviction, be punishable under section 44-B.]

Sanctioning of scheme by Local Government.

14. (1) If within sixty days from the date of the publication of a draft scheme any person affected by such scheme communicates in writing any objection or suggestion relating thereto, the council shall consider such objection or suggestion and may modify the scheme as it thinks fit.

(2) The scheme as passed or adopted by the council together with all written objections and suggestions shall thereupon be submitted to the Local Government for sanction [2][and the fact of such submission shall be published in the prescribed manner.]

[3][(3) The Local Government may, after considering the objections and suggestions, if any, and making such inquiry as they think fit, sanction the scheme with or without modifications, or may refuse to sanction the scheme or may return the scheme to the council for reconsideration :

Provided that unless a modification is, in the opinion of the Local Government, verbal or inconsequential, the Local Government shall not sanction the scheme with such modification without the consent of the council :

Provided further that when a scheme is returned to the council for reconsideration, the council shall resubmit it to the Local Government within three months from the date of its receipt and the Local Government may then deal with the scheme in the manner mentioned in this sub-section :

Provided further that if the council fails to resubmit the scheme within the time specified in the foregoing proviso, the Local Government may, in relation to the scheme, pass such orders as they may deem fit.]

[1] Sub-sections (2) and (3) were added by section 12 (2) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] These words were added by section 13 (i) *ibid.*

[3] Sub-section (3) was substituted by section 13 (ii) *ibid.*

[1][(4) When a scheme returned for reconsideration is modified by the council, the scheme as so modified shall, before resubmission to the Local Government for sanction, be published and passed by the council in the same manner as a draft scheme,

(*a*) in cases in which the modification involves the inclusion in or exclusion from the scheme of any land or the acquisition of any land not originally proposed to be acquired, and

(*b*) in every other case in which the modification is, in the opinion of the council or of the Local Government, of sufficient importance to require the following of this procedure.]

[1][(5)] The sanction of the Local Government to a scheme under sub-section (3) shall be published by notification in the *Fort St. George Gazette*, and such notification shall state at what place and time the scheme will be open to the inspection of the public.

[1][(6) A notification published under sub-section (5) shall be conclusive evidence that the scheme has been duly made and sanctioned. The scheme shall have effect from the date of publication of such notification, and the execution of the scheme shall be commenced forthwith :

Provided that, where the scheme so provides, the execution of the scheme or any part thereof may be deferred until such time as may be fixed in the scheme.]

Variation or revocation of schemes.

[2][**15.** (1) A town-planning scheme sanctioned under section 14 may at any time be varied or revoked by a subsequent scheme, published and sanctioned in accordance with this Act :

Provided that the municipal council shall be competent to modify a scheme after it has been sanctioned by the Local Government under section 14 by an agreement entered into with the persons interested in the scheme and with the concurrence of the Local Government.

(2) (*a*) The Local Government may, at any time, by notification in the *Fort St. George Gazette*, vary or revoke a scheme sanctioned under section 14.

(*b*) Before issuing such notification the Local Government shall publish in the prescribed manner a draft of such notification together with a notice specifying a date on or

[1] Sub-section (5) was omitted and sub-section (4) was renumbered as sub-section (5) and new sub-sections (4) and (6) were inserted by section 13 (iii) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] Section 15 was substituted by section 14 *ibid.*

after which such draft will be taken into consideration and shall consider any objection or suggestion which may be received in respect of such draft from the council or any person affected by the scheme before the date so specified.]

Limitation of compensation payable to person affected by variation or revocation of scheme.

16. If at any time after the day on which a scheme has come into force such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with such scheme shall be entitled to receive compensation from the municipal council in so far as, by reason of the variation or revocation of such scheme, such expenditure has ceased to be in any way beneficial to him.

Permission to be taken for construction, etc., after publication of draft scheme.

17. After the publication of a notification under section 10, [1][. . .] or section 12, no person shall erect, or proceed with, any building or work on, or enter into or carry out a contract in respect of, land within the area included in the scheme, unless he has applied for, [2][and obtained permission, in cases where a scheme has not been sanctioned, from the municipal council, and in other cases, from a responsible authority] :

Provided that, if the council [3][or the responsible authority] omits for three months from the date of receipt of such application, to communicate to the applicant any orders thereon, it shall be deemed to have granted the permission.

Obligation on owners to comply with scheme after sanction.

18. From the date of the notification of the Local Government sanctioning a scheme under section 14, all owners of lands and buildings in the area affected by the scheme who propose to construct or reconstruct or in any way alter or add to buildings shall conform in every particular with the requirements of such scheme ; and no building shall be constructed or reconstructed in any area in which building is expressly forbidden in the scheme, or which is reserved in the scheme for any purpose incompatible with building.

Power of municipal executive to enforce scheme.

19. (1) On and after the day on which the scheme comes into force, the [4][responsible authority] may make a provisional order requiring an owner—

(*a*) to remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with ; or

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[1] The word, figure and brackets 'sub-section (1)' were omitted by section 15 (i) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] These words were substituted for the words 'and obtained permission from the municipal council to do so' by section 15 (ii) *ibid.*

[3] The words 'or the responsible authority' were inserted by section 15 (iii) *ibid.*

[4] These words were substituted for the word 'chairman' by section 16 (i) *ibid.*

(*b*) to execute within a specified period any work which it is the owner's duty to execute under the scheme, where the [1][responsible authority] is of opinion that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) The [1][responsible authority] shall serve a copy of the provisional order made under sub-section (1) on the owner, together with a notice requiring him to show cause, within a reasonable time to be specified in such notice, why the order should not be confirmed.

[2][(3) If the owner fails to show cause to the satisfaction of the responsible authority, the responsible authority may confirm the order granting such further period as it may deem fit, to execute the work and such order shall be communicated to and be binding on the owner and may be enforced. The expenses of enforcement may be recovered in the prescribed manner. An appeal shall lie to the Local Government against the order of the responsible authority and their decision shall be final.]

CHAPTER IV.

Compensation for Injurious Affection and Contribution for Betterment.

Right to compensation.

20. Any person whose property is injuriously affected by any refusal [3][. . .] to grant the permission applied for under section 17 or by the making of a town-planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date of publication of a notification by the Local Government sanctioning the scheme under section 14, be entitled to obtain compensation in respect thereof from the municipal council.

No right to compensation for building, etc., subsequent to first notification.

21. A person shall not be entitled to obtain compensation under section 20 on account of any building erected on, or contract made, or other thing done, with respect to, land included in a scheme, after the date of the publication of the notification under section 10, [4][. . .] or section 12 :

Provided that this provision shall not apply to any building erected, contract made or other thing done in accordance with a permission granted under section 17.

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[1] Those words weres ubstituted for the word 'chairman' by section 16 (i) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] This sub-section was substituted by section 16 (ii) *ibid.*

[3] The words 'of the municipal council' were omitted by section 17 *ibid.*

[4] The word, figure and brackets 'sub-section (1)' were omitted by section 18 *ibid.*

Exclusion or limitation of compensation in certain cases.

22. (1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town-planning scheme, no compensation shall be paid in respect thereof, if or in so far as the provisions are such as would have been enforceable without compensation under any law, rule or by-law at the time in force.

(2) Property shall not be deemed to be injuriously affected by reason of any provisions inserted in a scheme, which impose any conditions or restrictions in regard to any of the matters specified in section 4, clause (*m*) or clause (*n*).

(3) Where a person is entitled to compensation under this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other Act, he shall not be entitled to compensation in respect of that matter or thing under both the Acts, nor shall he be entitled to any larger compensation under this Act than he would be entitled to under the other Act.

Application for sanction for withdrawal or modification of the scheme.

[1][**22-A.** (1) The municipal council may, within three months from the date of an award of compensation in respect of property injuriously affected, make an application to the Local Government to sanction the withdrawal or modification of all or any of the provisions of the scheme which gave rise to the claim for compensation and give notice of such application to the owner of such property.

(2) If the Local Government accord such sanction, the award of compensation shall stand cancelled, and the municipal council shall pay the costs, if any, awarded by the arbitrator in connexion with the claim for compensation.

(3) Nothing contained in this section shall affect the right of the owner to make a fresh claim for compensation in respect of the modified scheme sanctioned by the Local Government under sub-section (2).

(4) No award of compensation in respect of property injuriously affected shall be enforceable within three months from the date thereof, or, if notice has been given under sub-section (1), pending the orders of the Local Government on the application made under the same sub-section.]

Power to levy betterment contribution.

23. Where by the making of any town-planning scheme [2][the value of any property has increased or is likely to increase], the municipal council, if it makes a claim for the purpose within the time (if any) limited by the scheme [3][not being less than three months] after the date of publication of

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[1] Section 22-A was added by section 19 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] These words were substituted for the words 'any property is increased in value' by section 20 *ibid.*

[3] These words were substituted for the words 'not being later than six months' by section 20 *ibid.*

a notification of the Local Government sanctioning a scheme under section 14, shall be entitled to recover from the owner of such property an annual betterment contribution for such term of years and at such uniform percentage of the increase in value not exceeding ten per centum as may be fixed in the scheme :

Provided that the aggregate amount of the contributions so recovered shall not exceed one-half of the maximum increase in value during the aforesaid term of years as ascertained under the next following section.

Betterment contribution how calculated.

24. The betterment contribution shall be levied according to the following principles :—

(*a*) In respect of each property on which the contribution may be levied under section 23, its market value at the date of the publication of the notification under section 10, [1][. . .] or section 12, shall be estimated without reference to the improvements contemplated in the scheme.

(*b*) In each of the financial years following that in which the scheme takes effect under section 14, [2][sub-section (6)], the market value of each such property on the first day of April of that year shall be estimated by the chairman.

(*c*) If, in any financial year, the market value estimated under clause (*b*) does not exceed that estimated under clause (*a*), no betterment contribution shall be levied for that year.

(*d*) If, in any financial year, the estimated market value under clause (*b*) exceeds that under clause (*a*), the municipal council shall levy on the difference a betterment contribution according to the percentage fixed in the scheme :

Provided that in estimating the market value of land under clause (*a*) or clause (*b*), the value of buildings or other works erected or in the course of erection on such land shall not be taken into consideration.

Assessment and collection of betterment contribution.

25. (1) The betterment contribution shall be a first charge on the property on which it is due, subject to the prior payment of land revenue, if any, due to the Government thereon, and shall be paid in half-yearly instalments of one-half of the amount fixed for the year.

(2) (*a*) The Local Government may make rules for the assessment and collection of the betterment contribution, and subject to such rules, (i) the chairman shall have the same

[1] The word, figure and brackets 'sub-section (1)' were omitted by section 21 ( ) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] The word, figure and brackets were substituted for the word, figure and brackets 'sub-section (5)' by section 21 (ii) *ibid.*

powers and shall adopt the same procedure for the assessment and collection of the betterment contribution as he has for the assessment and collection of the property tax, (ii) persons affected shall have the same right to receive notice of assessment and to object to the assessment and to appeal in respect thereof as they have in respect of the property tax, and (iii) decisions on appeal shall to the same extent be final and conclusive ; and

(*b*) lands and buildings exempt from the property tax shall also be exempt from any betterment contribution.

Option of objecting owner to require council to acquire his property.

26. (1) If the owner of any property, separately registered in the municipal assessment books and assessed to a betterment contribution in any particular year, objects to the amount of such contribution on the ground that the market value estimated under clause (*b*) of section 24 is excessive, he shall state the market value which, he contends, is correct, and may, within thirty days of the date on which the determination of his objection or appeal becomes final, by written notice, require the municipal council to acquire the property together with any buildings or other works that may exist thereon.

(2) The council shall thereupon either acquire the property or accept the market value as stated by the owner and revise its assessment of the betterment contribution in accordance therewith.

(3) In case the council elects to acquire the property, the compensation payable therefor shall be determined [1][according to the provisions of the Land Acquisition Act, 1894, or according to those provisions as modified by sections 34 and 35, as the case may require.]

Provided that the compensation payable for the property, apart from the buildings or other works thereon, shall not exceed the market value stated by the owner under sub-section (1).

CHAPTER V.

The Arbitrator.

Local Government to appoint arbitrator.

[2][**27.** (1) After a scheme has been sanctioned the Local Government may and if so required by the council or any person interested in the scheme shall appoint an arbitrator with sufficient establishment to discharge all or any of the following duties :—

(*a*) to pass such orders as may be required under clauses (*a*) to (*d*) of sub-section (2) of section 5 ;

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[1] The words within square brackets were substituted for the words ' according to the provisions of the Land Acquisition Act, 1894, as modified by chapter VII of this Act ' by section 2 of the Madras Town-Planning (Amendment) Act, 1934 (Madras Act IV of 1934).

[2] This section was substituted by section 22 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

(*b*) to define, and, where necessary, to demarcate or cause the demarcation of, the reconstituted plots or the areas allotted to, or reserved for, the purposes mentioned in clause (*k*) of section 4 ;

(*c*) to decide, in reference to the claims made, whether any property is injuriously affected within the meaning of section 20, and award the compensation, if any, to be paid to the owner concerned in accordance with the provisions contained in chapter IV ; and

(*d*) to determine, in reference to the claims made, the properties which are liable to the betterment contribution under section 23 and estimate and record their market value at the date of the notification under section 10 or section 12, as the case may be, in accordance with the provisions of clause (*a*) of section 24.

(2) The decisions of the arbitrator under clauses (*a*) and (*b*) of sub-section (1) shall be read as part of the scheme sanctioned under section 14 and shall be final and binding on all persons :

Provided that where any such decision is in conflict with any provision in the scheme it shall require the approval of the Local Government and, on such approval being given, shall be deemed, to the extent mentioned in such decision, to have varied the sanctioned scheme.]

Powers and duties of arbitrator.

[1][**28.** (1) The arbitrator shall give notice of his proceedings and conduct them in the prescribed manner and communicate his decision to the parties concerned.

(2) An arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose V of 1908. of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose aforesaid.]

Appeal.

[2][**29.** (1) Any party aggrieved by any decision of the arbitrator under clause (*c*) or clause (*d*) of sub-section (1) of section 27 may within three months from the date of the communication of such decision appeal to the District Judge

[1] This section was substituted by section 23 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] This section was substituted by section 24 *ibid.*

concerned in cases arising outside the City of Madras and to the Chief Judge of the Court of Small Causes in cases arising in the City of Madras.

(2) The decision of the arbitrator under clause (*c*) or clause (*d*) of sub-section (1) of section 27 and, when an appeal has been preferred under sub-section (1), the decision on such appeal shall be read as part of the scheme sanctioned under section 14 and shall be final and binding on all persons.]

CHAPTER VI.

FINANCE.

Municipal town-planning fund.

30. (1) The receipts of a municipal council under this Act or any town-planning scheme made thereunder shall form a separate town-planning fund and all expenditure under this Act or any town-planning scheme thereunder shall be defrayed out of such fund. No portion of the fund shall, except with the sanction of the Local Government, be expended for purposes not provided for by this Act.

(2) The moneys required, in the first instance, to establish such fund, and any deficiency from time to time occurring in such fund by reason of the excess of expenditure over receipts shall, subject to such rules as the Local Government may frame in this behalf, be supplied out of the general municipal fund or out of moneys borrowed in pursuance of this Act.

(3) Separate accounts shall be maintained by each municipal council for its town-planning fund.

Power to borrow.

31. A municipal council, taking action under this Act, shall be deemed to be a local authority as defined in the Local Authorities Loans Act, 1914, for the purpose of borrowing money under the provisions of that Act, and the making and execution of a town-planning scheme shall be deemed to be a work which such local authority is legally authorized to carry out.

Provincial town-planning fund.

32. (1) With a view to afford facilities to municipal councils for obtaining the funds they require for the purposes of this Act, the Local Government may constitute a Provincial town-planning fund.

(2) The moneys required in the first instance to establish such fund and any deficiency from time to time appearing therein by reason of the excess of disbursements over receipts shall be supplied out of provincial revenues or provincial borrowings.

(3) The Local Government may prescribe the terms and conditions on which loans may be given, or grants made, out of the Provincial Town-planning Fund, to any municipal council for the purpose of making or executing a town-planning scheme.

CHAPTER VII.

LAND ACQUISITION.

Modification of Land Acquisition Act.

33. Immovable property required for the purposes of a town-planning scheme shall be deemed to be land needed for a public purpose, within the meaning of the Land Acquisition Act, 1894, [1][and may be acquired—

(*a*) under the said Act, or

(*b*) under the said Act as modified in the manner hereinafter provided in this chapter.]

Notification under section 14 to have effect as declaration under section 6, Land Acquisition Act.

34. [2][In cases falling under clause (*b*) of section 33, a notification under section 14 shall, notwithstanding anything contained in the Land Acquisition Act, 1894, operate] in respect of any land for the purposes of the scheme as a declaration under section 6 of the said Act, and no further declaration shall be necessary, but it shall not be incumbent on the Local Government, or officer authorized in that behalf, to take immediate steps for the acquisition of such land. Provided that if the land is not acquired within three years from the date of the notification, it shall cease to have effect as a declaration under section 6 of the Land Acquisition Act, 1894.

Sections 15, 23 and 24 of Land Acquisition Act superseded.

35. (1) The provisions of sections 15, 23 and 24 of the Land Acquisition Act, 1894, shall have no application [3][in cases falling under clause (*b*) of section 33.]

(2) [4][In such cases, the Collector and the court shall, in determining the amount of compensation to be awarded for the land acquired, take into consideration—]

(*a*) the market value of the land at the date of publication of the notification under section 10 [. . .] [5] or section 12, as the case may be.

(*b*) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of the collector's taking possession thereof ;

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[1] The words, letters and brackets within square brackets in section 33 were substituted for the words "and may be acquired under the said Act modified in the manner provided in this chapter" by section 3 of the Madras Town-Planning (Amendment) Act, 1934 (Madras Act IV of 1934).

[2] The words, figures, letter and brackets within square brackets in section 34 were substituted for the words and figures "notwithstanding anything in the Land Acquisition Act, 1894, a notification under section 14 shall operate" by section 4 *ibid.*

[3] The words, figures, letter and brackets "in cases falling under clause (*b*) of section 33" were substituted for the words "in the acquisition of property for the purposes of this Act" by section 5 *ibid.*

[4] The words within square brackets in section 35 (2) were substituted for the words "In determining the amount of compensation to be awarded for land acquired under the said Act for such purposes the Collector and the Court shall take into consideration" by section 5 *ibid.*

[5] The word, figure and brackets "sub-section (1)" were omitted by section 25 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

(*c*) the damage (if any) sustained by the person interested, at the time of the collector's taking possession of the land, by reason of severing such land from his other land or by reason of the acquisition injuriously affecting his other property movable or immovable in any other manner, or his earnings : provided that this clause shall not apply in the case of offensive industries, which must, under the provisions of the scheme, be removed ;

(*d*) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change ; provided that this clause shall not apply in the case of offensive industries, which must, under the provisions of the scheme, be removed.

(3) [1][But the collector and the court shall not, in cases falling under clause (*b*) of section 33] take into consideration—

(*a*) the degree of urgency which has led to the acquisition or its compulsory character ;

(*b*) any disinclination of the person interested to part with the land acquired ;

(*c*) any damage sustained by him, which, if caused by a private person, would not render such person liable to a suit ;

(*d*) any damage which is likely to be caused to the land acquired, after the date of publication of the notification under section 10, [2][. . .], or section 12, as the case may be, by or in consequence of the use to which it will be put ;

(*e*) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;

(*f*) any outlay or improvements on the land acquired commenced, made or effected after the date of publication of the notifications referred to in clause (*d*), unless they are covered by a permission obtained [3][. . .] under section 17 ;

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[1] The words, figures, letter and brackets within square brackets were substituted for the words " But the Collector and the Court shall not " by section 5 of the Madras Town-Planning (Amendment) Act, 1934 (Madras Act IV of 1934).

[2] The word, figure and brackets " sub-section (1) " were omitted by section 25 (i) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[3] The words " from the municipal council " were omitted by section 25 (ii) *ibid.*

(*g*) any outlay or improvements on, or disposal of, the land acquired which, having regard to the time at which they were made and other circumstances, appear to have been commenced, made or effected with intent to obtain increased compensation ;

(*h*) the special suitability or adaptability, if any, of the land for any purpose, if that purpose is one to which it could be applied only in pursuance of statutory powers or for which there is no market apart from the special needs of a particular purchaser or the requirements of a Government department or any local or public authority.

(4) [1] [In cases falling under clause (*b*) of section 33, if the market value of any land] or building is specially high by reason of the use thereof in a manner which could be restrained by any Court, or is contrary to law or public policy or is detrimental to the health of the inmates of the building or to the public health, the amount of the increased value due to such user shall be disregarded in determining the amount of compensation.

CHAPTER VIII.

MISCELLANEOUS.

Power of councils to make agreements.

36. A municipal council shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town-planning scheme subject to the power of the Local Government to modify or disallow such agreement, and, unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the scheme comes into force :

Provided that if the agreement be modified by the Local Government, either party shall have the option of avoiding it if he so elects within the prescribed period.

Town-planning committee.

37. Subject to such rules as the Local Government may make in this behalf, a municipal council may appoint a special town-planning committee composed either wholly of members of the municipal council, or partly of such members and partly of others ; and may delegate to such committee power to dispose of, [2] [in relation to a particular scheme or to town-planning in general,] matters of a specified nature which, under the provisions of this Act, are reserved for the decision of the council :

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[1] The words, figures, letter and brackets within square brackets were substituted for the words " If the market value of any land " by section 5 of the Madras Town-Planning (Amendment) Act, 1934 (Madras Act IV of 1934).

[2] These words were substituted for the words " in relation to the scheme in question " by section 26 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

Provided that no person, other than a member of the council, shall be appointed to such committee unless such appointment is supported by not less than one-half of the sanctioned strength of the council :

Provided also that the number of persons who are appointed to any committee who are not members of the council shall not exceed one-third of the number of mebmers of such committee.

Joint town planning committee.

[1] [**38.** (1) Subject to such rules as the Local Government may make on this behalf, a municipal council may, and if so required by the Local Government shall, join with one or more than one other local authority in constituting a joint town-planning committee for the making of a joint town-planning scheme or for any purpose connected with town-planning in which they are jointly interested or for which they are jointly responsible.

(2) A joint town-planning committee may include persons who are not members of the local authorities concerned but who possess in their opinion special qualifications or represent institutions or corporations interested in the work of the committee :

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) (i) The Local Government may make rules to carry out the purposes of sub-section (1).

(ii) In particular and without prejudice to the generality of the foregoing power the Local Government may make rules to provide for—

(*a*) the total number of members of the joint committee ;

(*b*) the number of such members who shall be members of the local authorities concerned and the number of such members who may be outsiders ;

(*c*) the qualifications of persons who shall be members of the joint committee or the manner in which they shall be appointed or elected ;

(*d*) the qualifications of the person who shall be the chairman of the joint committee or the manner in which he shall be elected or appointed ;

(*e*) the term of office of members and chairman ;

(*f*) the manner in which the committee shall be put in funds and shall account therefor ; and

(*g*) the procedure of the committee.

[1] This section was substituted by section 27 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

(4) Rules made under sub-section (1) or (3) may be varied or revoked provided all the local authorities concerned assent to such variation or revocation.

(5) If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to the Local Government whose decision shall be final.

(6) If the Local Government take action under sub-section (1) they may issue such directions as they may think necessary or desirable in respect of all or any of the matters referred to in sub-section (3).

(7) When a joint town-planning committee has been constituted, such committee shall exercise the powers and perform the duties of the municipal council and its chairman the powers and duties of a chairman under this Act.

(8) Any joint town-planning scheme made by a joint committee may provide for the execution of the scheme or any part thereof jointly by all or two or more of the local authorities concerned or specify the parts of the scheme to be executed at the expense of the several local authorities in their respective areas and the said specified parts of the scheme shall after the publication of the notification under section 14 have effect in the areas to which they relate as separate schemes.]

Extension of provisions to unions and other areas.

39. (1) The Local Government may, by notification in the *Fort St. George Gazette*, extend any provision of this Act to any union or other local area in which the Madras Local Boards Act, [1] [1920], is in force and may declare its extension to be subject to such restrictions and modifications as they think fit.

(2) Unless such notification shall otherwise provide, the functions exercisable by a municipal council and the chairman under any provision of this Act so extended, shall, subject to the control of the district board, be exercised by the taluk board and its president, respectively.

(3) The Local Government may also, by notification in the *Fort St. George Gazette*, extend to the union or other local area concerned all or any of the provisions of the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, and may declare such extension to be subject to such restrictions and modifications as they think fit.

Relation of municipal authorities to those of unions or other areas included in scheme.

40. When any union or other local area in which the Madras Local Boards Act, [1] [1920], is in force is comprised in a town-planning scheme made or intended to be made by a municipal council, then, notwithstanding anything in the said Act, the municipal authorities shall exercise therein all the

[1] These figures were substituted for the figures '1884' by section 28 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

powers given to them by this Act or the scheme, and the authorities of the union or local board concerned shall be bound to give all information that may be required by the municipal authorities for the purpose of this Act or the scheme, and to do nothing that will obstruct the lawful exercise of the powers of the municipal authorities thereunder.

Power of Local Government to arbitrate in disputes between local authorities.

41. Any dispute between any two local authorities in regard to any matters arising under any of the provisions of this Act shall, in case of their failure to settle it amicably between themselves, be referred for adjudication to the Local Government whose decision shall be final.

Power of control of Local Government.

42. (1) If the Local Government are satisfied, after giving the municipal Council an opportunity of explanation, and considering any other representations that may be made to them, that a municipal council—

(*a*) has failed to take the requisite steps for having a satisfactory town-planning scheme prepared and sanctioned in a case where a town-planning scheme ought to be made, or

(*b*) has failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted, or

(*c*) has unreasonably refused to consent to any modifications or conditions imposed by the Local Government,

the Local Government may, as the case may require, order the municipal council to prepare and submit for the approval of the Local Government such a town-planning scheme, or to adopt the scheme, or to consent to the modifications or conditions so inserted :

Provided that, where the municipal council has failed to adopt a scheme, the Local Government, in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications or conditions, if any, as the Local Government think fit, and thereupon the scheme shall have effect as if it had been adopted by the municipal council and sanctioned by the Local Government.

(2) If the Local Government are satisfied after giving the municipal council [1] [or the responsible authority as the case may be] an opportunity of explanation, that a municipal council [1] [or a responsible authority] has failed to enforce effectively the observance of a scheme which has been finally sanctioned or any provisions thereof, or to execute any works

[1] These words were inserted by section 29 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

which under the scheme or this Act the council [1] [or the responsible authority] is required to execute, the Local Government may order the council [1] [or the responsible authority] to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which, under the scheme or this Act, the council [1] [or the responsible authority] is required to execute.

(3) For the purposes of this section the Local Government shall have the same powers of calling for records, of causing inspection to be made, and of enforcing their orders or appointing persons to enforce them as they have under sections 40 to 43 (both inclusive) of the Madras City Municipal Act, 1919, or [2] [sections 34 and 39 of the Madras District Municipalities Act, 1920], as the case may be.

Powers of entry, etc.

43. For the purpose of the making or execution of any town-planning scheme, the municipal authorities [3] [or the responsible authority] or persons appointed by the Local Government under section 42, sub-section (3), their subordinates and contractors shall have the same power to enter upon, survey and set up marks on property and to do all acts necessary for such purposes, subject to the same conditions and restrictions, as they have for other municipal purposes under Part VI of the Madras City Municipal Act, 1919, or under Part VI of the Madras District Municipalities Act, 1920, as the case may be ; and persons interfering with the exercise of such powers by the municipal authorities [3] [or the responsible authority] or persons appointed by the Local Government, their officers, servants, or contractors, shall be liable to the same penalties.

Power of Local Government to make rules.

44. (1) The Local Government may make rules consistent with this Act either generally or for any particular area, to carry out all the purposes of this Act and such rules may be incorporated in any scheme by a reference thereto in the scheme, subject to any modifications that may be set out in the scheme.

(2) In particular and without prejudice to the generality of the foregoing power, the Local Government shall have power to make rules in respect of the following matters :—

(*a*) the manner of publication of the notifications under section 10, [. . .],[4] and of the draft scheme under section 11 ;

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[1] These words were inserted by section 29 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] The words and figures within square brackets were substituted for the words and figures " sections 35 and 40 of the Madras District Municipalities Act, 1920 " by section 6 of the Madras Town-Planning (Amendment) Act, 1934 (Madras Act IV of 1934).

[3] These words were inserted by section 30 of Madras Act II of 1930.

[4] The words, figures and brackets 'sub-sections (1) and (3)' were omitted by section 31 (i) (*a*) *ibid.*

(*b*) the further particulars or plans for inclusion in schemes under section 4, [1] [clause (*r*)], and section 13, [2] [sub-section (1)] clause (*h*) ;

(*c*) the scale of all plans made under this Act, the particulars to be shown in them, the manner in which such particulars shall be shown, the colouring of such plans and all such matters ;

(*d*) what streets or roads and improvements thereto provided in a town-planning scheme shall be made or carried out at the expense of the municipal council, the owners of property or both ;

(*e*) the kinds of expenditure connected with town-planning which shall be met out of current revenues and those that shall be met out of loans or other capital receipts ;

(*f*) what receipts shall be credited to the town-planning fund referred to in section 30 and what expenditure shall be debited to it ;

(*g*) the powers that may be delegated to the committees constituted under section 37 ;

[3] [(*h*) Omitted.]

(*i*) the manner in which all documents and plans prepared under this Act shall be made accessible to the public ;

(*j*) the procedure to be adopted for securing co-operation on the part of the municipal authorities with the owners or persons interested in property proposed to be comprised in a town-planning scheme by such means as may be expedient, the summoning, presidency and procedure of such conferences and all such matters ;

(*k*) the procedure to be observed by the municipal council, [4] [and responsible authority] in cases where owners commit default, or delay the carrying out of works or improvements, for carrying out such works or improvements and for recovering the cost from the owners liable therefor ;

(*l*) the securing of reasonable speed in the preparation or adoption of schemes by municipal councils and the procedure to be followed for enabling the Local Government to act [5] [. . .] in the case of

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[1] The word, letter and brackets ' clause (*r*) ' were substituted for the word, letter and brackets ' clause (*q*) ' by section 31 (i) (*b*) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] The word, figure and brackets ' sub-section (1) ' were inserted by section 31 (i) (*b*) *ibid.*

[3] Clause (*h*) was omitted by section 31 (i) (*c*) *ibid.*

[4] These words were inserted by section 31 (i) (*d*) *ibid.*

[5] The words ' in the place of a council ' were omitted by section 31 (i) (*a*) *ibid.*

default or dilatoriness [1] [on the part of the municipal council or the responsible authority] in making, adopting or executing a scheme and to recover from such council the expenses of such action ;

(*m*) the calculation, assessment and collection of the betterment contribution ;

(*n*) the regulation of the procedure before the arbitrator ;

(*o*) the delegation of powers to, and the duties that shall be discharged by, the Director, and the matters on which and the manner in which he shall be consulted by municipal councils [2] [and responsible authorities] ;

(*p*) the constitution of the Provincial Town-Planning Fund, its administration and the accounts to be kept therefor ;

(*q*) the accounts that each municipal council shall keep for its Town-Planning Fund, and their audit ;

(*r*) the extent to which the proceedings and acts of local authorities under this Act shall be regulated by the provisions of any municipal or local law applicable to such authorities ;

(*s*) inquiries and reports as to the beginning and the progress and completion of works and other action under any scheme ;

(*t*) sanitary principles and building regulations to be observed in drawing up schemes ;

[3] [(*u*) the funds which shall be transferred by the municipal council to the responsible authority, the administration of such funds, the accounts to be kept in respect thereof and their audit ;]

[3] [(*v*) matters other than those referred to in the foregoing clauses which are expressly required or allowed by this Act to be prescribed.]

[4] [(3) In making any rule, the Local Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.]

Previous publication of the rules.

[5] [**44-A.** The power to make rules under sections 38, 44 and 54 shall be subject to the condition of previous publication.]

Penalty for breach of the provisions of the scheme.

[5] [**44-B.** (1) Where a scheme sanctioned under this Act has provided that any person who commits or knowingly permits a breach of any specified provision of the scheme or who neglects or fails to comply with any such provision shall be

[1] These words were substituted for the words ' on the part of the latter ' by section 31 (i) (*e*) of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] These words were inserted by section 31 (i) (*f*) *ibid.*

[3] Clauses (*u*) and (*v*) were added by section 31 (i) (*g*) *ibid.*

[4] This sub-section was substituted by section 31 (ii) *ibid.*

[5] Sections 44-A and 44-B were added by section 32 *ibid.*

punishable under this section, the responsible authority shall send to any person who commits or knowingly permits a breach of any such provision of the scheme or neglects or fails to comply with any such provision, a notice calling on him to discontinue the breach or cause it to be discontinued or to comply with such provision of the scheme.

(2) If after the expiry of one month from the date of receipt of the notice by such person under sub-section (1) the breach or neglect or failure continues, such person shall, on conviction, be punishable—

(i) with fine which may extend to one hundred rupees, and

(ii) if the breach, neglect or failure continues after such conviction, with fine which may extend to fifteen rupees for every day during which the breach, neglect or failure continues after such conviction.]

CHAPTER IX.

Town-Planning Trusts.

Creation of town-planning trusts.

45. (1) When the Local Government, after consulting the municipal council, decide that the interests of town-planning in any particular area will be best served by entrusting it to a special board, they may, by notification in the *Fort St. George Gazette*, constitute such board, to be called ' The (name of town or other area) Town-Planning Trust ' hereinafter referred to as ' the trust ' ; and thereupon the duty of carrying out the provisions of this Act in such local area shall, subject to the conditions and limitations hereinafter contained, be vested in the trust.

(2) The trust shall be a body corporate and have perpetual succession and a common seal and shall by the aforesaid name sue and be sued.

Constitution of trusts.

46. (1) The trust shall consist of—

(*a*) a chairman appointed by the Local Government ;

(*b*) persons elected by the members of the municipal council or of other local authorities or both ; and

(*c*) persons appointed by the Local Government either by name or by virtue of their office.

(2) The trust may also include representatives of railway, tramway or other transport companies, chambers of commerce, co-operative societies and similar bodies or associations, either elected or nominated by them.

(3) The Local Government shall fix the strength of the trust, the number of trustees to be elected under clause (*b*) of sub-section (1), the local authorities by whom they shall be

elected, the number of trustees to be appointed by the Local Government under clause (*c*) of sub-section (1) and the number of trustees to be elected or nominated under sub-section (2) and the bodies or associations by whom they shall be elected or nominated : Provided that the number of trustees appointed by the Local Government shall not exceed one-third of the sanctioned strength.

(4) Each trustee shall hold office for five years.

Chairman may be given salary.

47. The chairman of the trust may receive such salary or remuneration as may be sanctioned by the Local Government. No other trustee shall receive any salary or other remuneration from the funds of the trust.

Removal of trustees.

48. (1) The Local Government may remove from the trust any trustee, other than an ex-officio trustee, who—

(*a*) refuses to act, or becomes incapable of acting, or absents himself for more than three consecutive months from the meetings of the trust or of any committee of which he is a member and is unable to explain such absence to the satisfaction of the trust, or

(*b*) is an undischarged insolvent or has compounded with his creditors, or

(*c*) has been sentenced by a criminal court to imprisonment for a term exceeding six months or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, such sentence or order not having subsequently been reversed or remitted or the offender pardoned, or

(*d*) has knowingly acquired or continued to hold without the permission in writing of the Local Government, directly or indirectly or by a partner, any share or interest in any contract or employment with, by, or on behalf of, the trust, or

(*e*) has knowingly acted as a trustee in a matter other than a matter referred to in clause (iv) or clause (v) of the proviso to this sub-section in which he or a partner had, directly or indirectly, a personal interest, or in which he was professionally interested on behalf of a client, principal or other person, or

(*f*) being a legal practitioner, in any suit or other proceeding, acts or appears on behalf of any other person against the trust or acts or appears on behalf of any other person in any criminal proceeding instituted by or on behalf of the trust :

Provided that a person shall not be deemed for the purpose of sub-section (1) to acquire, or continue to have, any share or interest in a contract or employment by reason only of his—

(i) having a share or interest in any lease, sale or purchase of land, or buildings, or in any agreement for the same, provided that such share or interest was acquired before he became a trustee, or

(ii) having a share in a joint stock company which shall contract with, or be employed by, or on behalf of, the trust, or

(iii) having a share or interest in a newspaper in which an advertisement relating to the affairs of the trust is inserted, or

(iv) holding a debenture or otherwise being interested in a loan raised by, or on behalf of, the trust, or

(v) being retained by the trust as a legal practitioner, or

(vi) having a share or interest in the occasional sale of an article, in which he regularly trades, to the trust to a value not exceeding, in any one year, such amount as the trust, with the sanction of the Local Government, may fix in this behalf.

(2) The Local Government may remove from the trust a trustee who in their opinion has so abused his position as a trustee as to render his continuance as a trustee detrimental to the public interest :

Provided that when the Local Government propose to take action under the foregoing provisions of this section an opportunity of explanation shall be given to the trustee concerned, and, when such action is taken, the reasons therefor shall be placed on record.

Disabilities of trustees removed under section 48

49. (1) A trustee removed under clause (*a*) or clause (*c*) of sub-section (1) of section 48, or under sub-section (2) of that section, shall not be eligible for further election or nomination for a period of three years from the date of his removal.

(2) A trustee removed under clause (*b*) of sub-section (1) of section 48 shall not be so eligible until he has obtained his discharge or has paid his creditors in full, as the case may be.

(3) A trustee removed under any other provision of section 48 shall not be so eligible until he is declared to be no longer ineligible, and he may be so declared by an order of the Local Government.

Application to trusts of this Act and their power to borrow.

50. (1) When a trust has been duly constituted, the provisions of Chapters I to VIII of this Act shall, within the area entrusted to it for town-planning purposes, apply in full as though the words 'trust' and 'chairman of the trust' were substituted for 'municipal council' or 'council' and 'chairman of the council' or 'chairman.'

(2) A trust constituted under this chapter shall be deemed to be a local authority, as defined in the Local Authorities Loans Act, 1914, for the purpose of borrowing money under the provisions of that Act, and the making and execution of a scheme under this Act shall be deemed to be a work which a local authority is legally authorized to carry out.

Payment to trust by municipal councils.

[1] [**50-A.** The municipal council in whose area a trust operates shall pay annually to the trust such amount as may be agreed on between them or as may be fixed by the Local Government.]

Procedure if trust fails to make any payment in respect of loans.

51. (1) If the trust fails to repay any loan taken in pursuance of section 50 or any interest or costs due in respect thereof, according to the conditions of the loan, the Accountant-General of Madras shall make such payment;

and the chairman of the municipal council shall forthwith pay from the municipal fund to the said Accountant-General a sum equivalent to the sum paid by him;

and the Local Government may attach the income of the trust and thereupon the provisions of section 5 of the Local Authorities Loans Act, 1914, shall, with all necessary modifications, be deemed to apply.

(2) Whenever the chairman of a municipal council has made any payment to the Accountant-General under sub-section (1) the Local Government shall, so far as possible, reimburse the municipal council out of the income attached under that sub-section.

Vesting in municipal council of streets laid out or altered, and open spaces provided by the trust under a scheme.

52. (1) Whenever the municipal council is satisfied—

(*a*) that any street laid out or altered by the trust has been duly levelled, paved, metalled, flagged, channelled, sewered, and drained in the manner provided in the scheme sanctioned by the Local Government under this Act, and

(*b*) that such lamps, lamp-posts, and other apparatus as the municipal council may consider necessary for the lighting of such street and as ought to be provided by the trust have been so provided, and

(*c*) that water and other sanitary conveniences ordinarily provided in a municipality have been duly provided in such street,

[1] This section was added by section 33 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

the municipal council, after obtaining the assent of the trust, or failing such assent, the assent of the Local Government under sub-section (3), shall, by a written notice affixed in some conspicuous position in such street, declare the street to be a public street; and the street shall thereupon vest in the municipal council, and shall thenceforth be maintained, kept in repair, lighted, and cleansed by the municipal council.

(2) When any open space for purposes of ventilation or recreation has been provided by the trust in executing any scheme, it shall, on completion, be transferred to the municipal council by resolution of the trust and shall thereupon vest in, and be maintained at the expense of, the municipal council:

Provided that the municipal council may require the trust, before any such open space is so transferred, to enclose, level, turf, drain and lay out such space and provide footpaths therein, and, if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the trust and the municipal council in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the Local Government, whose decision shall be final.

Ultimate dissolution of trust, and transfer of its assets and liabilities to the municipal council.

53. (1) When the trust created for an area has executed all schemes sanctioned under this Act, or so far executed them as to render its continued existence, in the opinion of the Local Government, unnecessary, the Local Government may by notification declare that the trust shall be dissolved from such date as may be specified in this behalf in such notification; and the trust shall be deemed to be dissolved accordingly.

(2) From the said date—

(*a*) all properties, funds and dues which are vested in or realizable by the trust and the chairman, respectively, shall vest in and be realizable by the municipal council and the chairman of the council, respectively; and

(*b*) all liabilities which are enforceable against the trust shall be enforceable only against the municipal council; and

(*c*) for the purpose of completing the execution of any scheme, sanctioned under this Act, which has not been fully executed by the trust, and of realizing properties, funds, and dues referred to in clause (*a*), the functions of the trust and the chairman under this Act shall be discharged by the municipal council and the chairman of the council, respectively.

Power to Local Government to make rules for trusts.

54. (1) The Local Government shall have power, [1][. . .], to make rules not inconsistent with this Act and applicable to all trusts or to any trust—

(*a*) as to the election, nomination and appointment of trustees, and the commencement of their terms of office ;

(*b*) as to the resignation by trustees of their offices, and the filling of casual vacancies ;

(*c*) as to the meetings of the trust, the procedure to be followed in summoning, adjourning and conducting the proceedings of such meetings ;

(*d*) as to the constitution of committees of the trust and the functions that may be delegated to them ;

(*e*) as to the officers and servants who may be employed by the trust, the authority by whom they may be appointed and punished, the salaries of such officers and servants and the institution, where necessary, of a provident fund or gratuity system for their benefit ;

(*f*) as to the accounts to be kept and the returns to be submitted by the trust ;

(*g*) as to the manner in which the accounts of the trust shall be audited and published and as to the powers of auditors in respect of disallowance and surcharge ;

(*h*) as to the making and execution of contracts on behalf of the trust ;

(*i*) as to the mutual relations, financial and other of a trust and local authorities ; and

(*j*) generally for the guidance of trusts and public officers in all matters connected with the carrying out of the provisions of this Act.

(2) Every trust may from time to time, with the previous sanction of the Local Government, make by-laws consistent with this Act and with any rules made thereunder for carrying out the purposes of this Act.

[CHAPTER X.][2]

Transfer of Proceedings.

Transfer of proceedings from one authority to another.

55. (1) The Local Government may, by notification and from a date to be specified in such notification, transfer the

[1] The words 'subject to the condition of previous publication' were omitted by section 34 of the Madras Town-Planning (Amendment) Act, 1930 (Madras Act II of 1930).

[2] This chapter was added by section 35 *ibid.*

proceedings commenced under this Act in respect of any land by any authority having jurisdiction to any other authority having jurisdiction over such land.

(2) Before issuing a notification under sub-section (1) the Local Government shall communicate to the authorities affected the grounds on which they propose to make the transfer, fix a reasonable period for them to show cause against the proposal and consider their objections, if any.

(3) The authority to whom a transfer of proceedings is made under sub-section (1) may continue such proceedings from the stage which they had reached on the date specified in the notification.

(4) When making a transfer of proceedings under sub-section (1), the Local Government may direct the authority to whom the transfer is made to reimburse the authority from whom the transfer is made the net expenditure which the last-mentioned authority may, up to the date of such transfer, have incurred on such proceedings.

(5) From the date specified in the notification under sub-section (1) all rights and assets which, for the purposes of the proceedings transferred by such notification, are vested in, and all obligations and liabilities which for the same purposes are enforcible against the authority from whom the transfer is made, shall vest in or be enforcible against the authority to whom the transfer is made.

MADRAS ACT No. VIII OF 1920.

[THE MADRAS ELEMENTARY EDUCATION ACT, 1920.]

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MADRAS ACT No. VIII OF 1920[1].

[THE MADRAS ELEMENTARY EDUCATION ACT, 1920.]

[*6th December*, 1920.]

WHEREAS it is expedient to make better provision for elementary education in the Presidency of Fort St. George; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title.

1. This Act may be called the Madras Elementary Education Act, 1920.

Extent and commencement.

2. It shall come into force in such areas and on such dates as the [2][Local Government] may by notification direct.

Definitions.

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

(i) 'attendance' at a school means presence for instruction at an elementary school for so many and on such days in the year and at such time or times or on each day of attendance as may be prescribed ;

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[1]. For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 9th March 1920, pages 311–312. For Report of the Select Committee *see ibid.*, dated 27th July 1920, pages 1251–1276, and *ibid.*, dated 3rd August 1920, pages 1277–1278, and *ibid.*, dated 10th August 1920, pages 1281–1282, For Proceedings in Council *see ibid.*, dated 15th June 1920, pages 823–833, *ibid.*, dated 2nd November 1920, page 1333, *ibid.*, dated 30th November 1920, page 1514, and *ibid.*, dated 18th January 1921, pages 108–211.

[2]. These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[1][(ii) 'Director of Public Instruction,' 'District Educational Officer', and 'Inspectress of Girls' Schools' mean such officer or officers as may be appointed by the Local Government to perform the duties of Director of Public Instruction, District Educational Officer or Inspectress of Girls' Schools, as the case may be ;]

(iii) 'district' means any local area which for the purposes of the revenue administration shall be under the charge of a district collector or which for the purposes of this Act the [Local Government][2] may by notification declare to be a district ;

(iv) 'district board' means a district board constituted under the Madras Local Boards Act, [3][1920] ;

(v) 'elementary education' means education in such subjects and up to such standard as may be prescribed ;

(vi) 'elementary school' means a school or department of a school recognized as an elementary school under section 41 ;

(vii) 'elementary school-place' means such accommodation and equipment as may be prescribed as necessary for a child of school-age ;

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

(ix) 'local authority' means a municipal council or a [district board][4] ;

(x) 'municipal council' and 'municipality' mean respectively, a municipal council and a municipality governed by the Madras District Municipalities Act, 1920, or the Madras City Municipal Act, 1919 ;

[5][(x-*a*) 'notification' means notification in the *Fort St. George Gazette*] ;

[5][x-*b*) 'panchayat' means a panchayat constituted under the Madras Local Boards Act, 1920 ;]

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[1] This clause was substituted for the original by section 3 (i) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[2] These words were substituted for the words 'Governor in Council' by section 2 (1) *ibid.*

[3] These figures were substituted for the figures '1884' by section 3 (ii) *ibid.*

[4] These words were substituted for the words 'taluk board' by section 53 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[5] Clauses (x-*a*) and (x-*b*) were inserted by section 3 (iii) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

(xi) 'prescribed' means prescribed by [1][this Act or by] rules made by the [2][Local Government] under this Act ;

(xii) 'public management' [3][* * *] means management by the [4][Local Government] or, by a local authority ; all other management shall be deemed to be 'private management' ;

(xiii) 'school-age' means such age as the [2][Local Government] may prescribe in respect of children of either sex in any local area or of any particular community ;

[5][(xiv) *Omitted.*]

CHAPTER II.

District Educational Councils.

(1) *Their Constitution.*

District educational council.

4. For every district in which this Act is brought into force there shall be constituted a district educational council consisting of a president and such number of members as the [2][Local Government] may prescribe.

Constitution of council.

5. (1) The [2][Local Government] may appoint one of the members of the district educational council to be the president of the council or may by notification, authorize the council to elect its president from among its own number, in such manner as may be prescribed, and subject to the approval of the [2][Local Government] :

Provided also that the [2][Local Government] may, by notification, revoke such authority after previous intimation to the district educational council of the grounds upon which such revocation is proposed and after considering the explanation and objections if any, of the council.

(2) The district collector shall *ex officio* be a member of the district educational council.

If a district constituted under this Act comprises only part of a revenue district or comprises the whole or parts of two or more revenue districts, the [Local Government] may declare what officer shall be considered to be the district collector for the purposes of this section.

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1 These words were inserted by section 3 (iv) of Madras Act II 1932.

2 These words were substituted for the words 'Governor in Council' by section 2 (1) *ibid.*

3 The words "in relation to an elementary school" were omitted by section 3 (v) *ibid.*

4 The words 'Local Government' were substituted for the word 'Government' by section 3 (v) *ibid.*

5 This clause was omitted by section 53 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

(3) The [1][District Educational Officer] in whose jurisdiction the district is situated shall *ex officio* be [2][a member] of the district educational council.

[3][(4) The President of the District Board or if there is more than one district board in the district, the president of each of the district boards shall *ex officio* be a member of the district educational council.]

(5) Every local authority within the district shall be entitled to elect such number of persons as may be prescribed to represent it on the district educational council.

(6) The other members of the district educational council shall be appointed by the [4][Local Government] who in making such appointments shall have regard to the representation of Muhammadans and other minorities :

Provided that it shall be competent for the [4][Local Government] by notification to authorize any private educational body maintaining elementary schools or any association of managers of elementary schools to elect one or more persons to represent it on the council.

(7) The number of members appointed by the [4][Local Government] shall not exceed one-fourth of the total number of members excluding *ex officio* members.

[5][(8) A person shall not be qualified for election or appointment as a member of the council if at the date of nomination, election or appointment, he is already a member of the council whose term of office will not expire before his fresh election or appointment can take effect or has already been elected or appointed a member of the council whose term of office has not yet commenced.]

Vice-president of council.

6. The district educational council may elect one of its members to be the vice-president of the council.

Elections and appointments to be notified in Gazette.

7. The election and appointment of every president, vice-president and member of a district educational council shall be notified in the *Fort St. George Gazette*.

Term of office of members, presidents and vice-presidents of councils.

[6][**8.** (1) Subject to the provisions of this section and of section 10, every person elected or appointed to be a member of a district educational council shall hold office for three

[1] These words were substituted for the words 'inspector and assistant inspector of schools' by section 4 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[2] These words were substituted for the word 'members' by section 4 *ibid.*

[3] This sub-section was substituted for the original by section 54 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[4] These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932)

[5] Sub-section (8) was added by section 2 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

[6] Section 8 was substituted by section 3 *ibid.*

years from the date of the *Fort St. George Gazette* wherein his election or appointment is notified, or if the vacancy in respect of which he is elected or appointed does not occur on or before such date, from the date of the occurrence of the vacancy :

Provided that a member elected by a local authority under sub-section (5) of section 5 who at the time of such election is a member of such authority shall cease to be a member of the council when he ceases to be a member of the local authority, unless he is re-elected as a member of such authority and such re-election takes effect immediately on the expiry of his previous term of office :

Provided further that an elected or appointed member shall cease to hold office as such on becoming an *ex officio* member.

(2) The president or vice-president of a district educational council shall cease to hold office as such on the expiry of the term of his membership :

Provided that where the term of membership of the president or vice-president expires under the second proviso to sub-section (1), such president or vice-president shall continue to hold office as such for the unexpired residue of the period for which he would have held office had he not become an *ex officio* member of the council.]

Resignation of office by president, vice-president or member of council.

9. (1) Any person appointed or elected as member or vice-president of a district educational council may resign his office by giving notice in writing to the president ; the president may resign his office by giving notice in writing to the council.

(2) Any person holding a salaried office under Government who is a member of a district educational council shall, on leaving the local area over which such council has jurisdiction with the intention of remaining absent therefrom for more than three months or on his resignation, suspension, removal, or retirement from his office under Government, be deemed to have vacated his office of member of such council.

Removal of president, vice-president or member of council.

10. (1) The [1] [Local Government] may by notification remove any president, vice-president or member of a district educational council—

(*a*) if he is absent for more than three months from the jurisdiction of the council or refuses to act or becomes incapable of acting or is declared insolvent or is convicted of any such offence or subjected by a criminal court to any such order as implies in the opinion of the [1] [Local Government] a defect of

[1] These words were substituted for the words ' Governor in Council ' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

character which unfits him to be president, vice-president or member of a district educational council,

(*b*) if he, without excuse sufficient in the opinion of the [1] [Local Government], is absent from more than two consecutive meetings of the council.

(2) The [1] [Local Government] may fix a period during which any person so removed shall not be eligible for re-appointment or re-election.

Members ineligible to receive remuneration from council funds.

11. No member of a district educational council shall receive any salary or other remuneration from the funds at the disposal of the council.

Incorporation of council.

12. Every district educational council shall be a body corporate by the name of the district educational council of the local area for which it shall have been established, shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and subject to such rules as may be prescribed, to transfer any property held by it and to contract and to do all other things necessary for the purpose of its constitution, and may sue and be sued in its corporate name.

(2) *Mode of Transacting Business.*

Council to keep an office.

13. Every district educational council shall provide an office and shall meet for the transaction of business upon such days and at such times as it may arrange and also at other times as often as a meeting shall be called by the president, or, in his absence, by the vice-president :

Provided that every council shall meet at least once in every two months.

President or vice-president to call a meeting on requisition.

14. The president or, in his absence, the vice-president shall at any time, on the requisition in writing of not less than one-third of the members of the council, call a meeting of such a council :

Provided that no such meeting shall be held unless a notice of the meeting specifying the time and place at which, and the purpose for which, it is to be held has at least six days previous to the day of such meeting been sent by the president or vice-president to each of the members.

Who may preside at meeting.

15. (1) At every meeting of a district educational council the president or in his absence the vice-president shall preside.

[1] These words were substituted for the words ' Governer in Council ' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

(2) In the absence from any meeting of the president and the vice-president, the members present at the meeting shall choose some one of their number to preside thereat.

Meetings to be public.

16. All meetings of a district educational council shall be open to the public :

Provided that the presiding member may in any particular case, for reasons to be recorded in writing, direct that the public generally or any particular person shall withdraw.

Quorum and conduct of proceedings at meetings.

17. (1) No business shall be transacted at a meeting unless at least one-third of the whole number of members then on the council be present.

(2) If within half an hour after the time appointed for a meeting a quorum is not present, the president or, in his absence the vice-president may adjourn the meeting to some future date.

(3) All questions which may come before a district educational council at any meeting shall be decided by a majority of the votes ; and in case of an equality of votes the president or other presiding member shall have a second or casting vote.

(4) No member of a district educational council shall vote on any question coming before the council for consideration in which (otherwise than in its general application to all persons and properties within the local area) he has any pecuniary interest.

(5) No resolution of a district educational council shall be modified or cancelled within three months by such council, except at a meeting specially convened in that behalf and by a resolution of the council supported by not less than one-half of the whole number of members then on such council.

Minutes of

18. (1) Minutes of the proceedings at each meeting of the district educational council shall be drawn up and entered in a book to be kept for that purpose, and shall be signed by the president or the member who presided at such meeting, and shall, at all reasonable times and without charge, be open at the office of the council to the inspection of any person residing within the jurisdiction of such council.

(2) A copy of the minutes of the proceedings at each meeting shall, within three days from the date thereof, be transmitted to the district collector for publication in the district gazette in English and in the vernacular language of the district.

(3) A copy of the minutes of the proceedings at each meeting shall, within a week from the date thereof, be transmitted to the chief executive officer of each local authority represented on the district educational council and also to each member of the council.

(4) The president and, in his absence, the vice-president shall have the custody of the records of the district educational council and may grant copies of any such records either free or on payment of such fees as the council may determine to such officers or persons as the council may by general or special order direct.

Executive powers of president, their delegation by him and their discharge during a vacancy in the office.

19. (1) (*a*) The resolutions of a district educational council shall be carried into effect by the president, in whom the entire executive power of the council shall be vested and who shall be directly responsible for the due fulfilment of the purposes of this Act.

(*b*) It shall not be lawful for the president to exercise any power which by this Act it is expressly declared shall be exercised by the council.

(*c*) The president may authorize the vice-president by an order in writing to exercise any of the powers conferred or to perform any of the duties imposed on the president by this Act and may in like manner modify or cancel such order :

Provided that the delegation of powers or duties under this clause shall not relieve the president of any responsibility imposed upon him by this Act.

[1][(2) (*a*) When the office of president is vacant, the vice-president, if there is one, shall exercise the functions of the president until a new president is elected or appointed.

(*b*) When the president has been continuously absent from jurisdiction for more than thirty days or is incapacitated, the vice-president, if there is one, shall, after the expiry of three days from the date on which notice is sent by registered post to the president and the district collector, exercise the functions of the president until the president returns to jurisdiction or recovers from his incapacity, as the case may be.

(*c*) When the office of president is vacant or the president has been continously absent from jurisdiction for more than thirty days or is incapacitated, if there is no vice-president or if there is a vacancy in the office or vice-president or if the vice-president has been continuously absent from jurisdiction for more than thirty days or is incapacitated, the district collector shall *ex officio* be president of the council until a new president or vice-president is elected or appointed or the president or vice-president returns to jurisdiction or recovers from his incapacity, as the case may be.]

1 Sub-section (2) was substituted by section 4 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

Standing orders as to conduct of business.

20. Every district educational council may make standing orders consistent with this Act, and with any rules framed thereunder by the [1][Local Government], in regard to the following matters :—

(i) the time and place of its meetings ;

(ii) the manner in which notice thereof shall be given ;

(iii) the conduct of proceedings at meetings ;

(iv) the division of duties among the members of the council ;

(v) the appointment, duties and procedure of special committees consisting wholly of a certain number of members of the council or partly of such members and partly of residents within the local jurisdiction of the council ;

(vi) the persons by whom receipts may be granted for money paid to the council ;

(vii) the inspection by members of the council of elementary schools situated within the jurisdiction of such council and the inspection of accounts, books, registers and returns, reports, and other documents appertaining thereto ; and

(viii) all other similar matters.

Power of Local Government to suspend action.

21. The [1][Local Government] may by order in writing, suspend the execution of any resolution of any district educational council or of any order issued by any district educational council or president or cancel such resolution or order and may prohibit the doing of any act which is about to be done or is being done in pursuance of or under colour of this Act, if in [2][their opinion] such resolution has not been legally carried or such resolution, order or act is in excess of the powers conferred by law.

Powers of Local Government in cases of default.

22. (1) If at any time it appears to the [1][Local Government] that a district educational council or its president has made default in performing any duty imposed by or under this Act, the [1][Local Government] may by order in writing fix a period for the performance of such duty.

(2) If the duty is not performed within the period so fixed, the [1][Local Government] may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as [3][they may fix], to such person by the district educational council.

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[1] These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[2] These words were substituted for the words 'his opinion' by Schedule *ibid.*

[3] These words were substituted for the words 'he may fix' by Schedule *ibid.*

(3) If the expense is not so paid, the [1][Local Government] may make an order directing the person having the custody of the fund constituted under section 28 to pay such expense in priority to any other charges against such fund. Such person shall, so far as the funds to the credit of the district educational council admit, comply with such order.

Power of Local Government to reconstitute council.

23. If at any time it appears to the [1] [Local Government] that a district educational council is not properly performing its duties under this Act [2] [they may direct] that all elected and appointed members of such district educational council shall vacate their seats and that the vacancies shall be filled by election in respect of elected members and by appointment in respect of appointed members, or that all the vacancies shall be filled by appointment.

(3) *Duties of District Educational Councils.*

Duties of council.

24. (1) It shall be the duty of every district educational council—

(*a*) to prepare and maintain a register showing all elementary schools and the number of elementary school places thus provided ;

(*b*) to tabulate such further information and to prepare such plans or maps as may be necessary to enable the council to frame an estimate of the existing provision for elementary education and of the further provision necessary to place elementary education within the reach of all children of school-age ;

(*c*) to prepare in consultation with the authorities concerned schemes for the extension of elementary education in each [3][district board] and municipal area ;

(*d*) to arrange in consultation with the authorities concerned and with other educational agencies for the opening of additional elementary schools and the expansion of existing elementary schools with a view to giving effect as funds permit to such schemes ;

(*e*) to grant recognition to schools under the provisions of section 41 ;

(*f*) to consider and pass orders on all applications under section 42 for grants-in-aid on behalf of elementary schools under private management ;

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[1] These words were substituted for the words ' Governor in Council ' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[2] These words were substituted for the words ' he may direct ' by Schedule *ibid.*

[3] These words were substituted for the words ' taluk board ' by section 55 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

(*g*) to disburse all sanctioned grants-in-aid to elementary schools under private management from funds placed at the disposal of council in this behalf by the [1][Local Government] ;

(*h*) to maintain a register of all recognized institutions in the district which provide for the training of elementary school teachers ;

(*i*) to prepare and maintain a register of all trained and certificated teachers employed in elementary schools in the district ;

(*j*) to prepare and transmit to the Director of Public Instruction proposals for increasing the supply of trained and certificated teachers ;

(*k*) to advise upon all matters relating to elementary education referred to the council by the Director of Public Instruction.

(2) The register referred to in clause (*a*) of sub-section (1) shall be maintained and the information referred to in clause (*b*) of sub-section (1) shall be tabulated separately for each [2][district board] and municipal area within the jurisdiction of the district educational council.

Council to transmit particulars of aid granted to private elementary schools.

25. Every district educational council shall in each official year—

(i) frame and transmit to the Director of Public Instruction, by such date and in such form as he may direct, a statement showing for its district (*a*) the names of elementary schools under private management for which grants-in-aid have been sanctioned for that year and (*b*) the amount of the grant which has been sanctioned for each such school ; and

(ii) furnish a report to the Director of Public Instruction, by such date and in such form as he may direct, exhibiting the grants-in-aid which it has distributed to schools within its district.

Council to furnish other prescribed reports.

26. Every district educational council shall transmit to the Director of Public Instruction such further reports and statements as may be prescribed.

Employment of establishment.

27. For the proper discharge of the duties imposed by this Act every district educational council shall employ such establishment as may be sanctioned by the [1][Local Government].

[**27-A.** No act or proceeding of a district educational council or of a committee thereof or of any person acting as

[1] These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[1] These words were substituted for the words 'taluk board' by section 55 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

2 This section was inserted by section 5 *ibid.*

president, vice-president, chairman or member of such council or committee shall be deemed to be invalid by reason only of some defect in the establishment of such council or committee or on the ground that the president, vice-president, chairman or any member of such council or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or appointment or by reason of such act having been done during the period of any vacancy in the office of the president, vice-president, chairman or member of such council or committee.] Acts of District Educational Councils, etc., not to be invalidated by informality, etc.

(4) *Funds, Budget and Audit.*

28. Every district educational council shall maintain a fund to which shall be credited— What shall constitute the fund of the council.

(i) all sums granted by the [1][Local Government] for the payment of grants-in-aid of elementary education;

(ii) all sums granted by the [1][Local Government] for the payment of office and establishment expenses;

(iii) all income derived from any endowments or other property owned or managed by the council;

(iv) all other sums of money which may be received by the council for the purposes of this Act.

29. (1) The fund of each district educational council shall be lodged in such bank or Government treasury as the [1][Local Government] may direct. Fund where to be lodged and how to be drawn upon.

(2) All expenses incurred by the district educational council shall be paid out of such fund.

(3) All orders or cheques upon the fund shall be signed by the president or by such person as he may authorize in writing to sign on his behalf.

30. (1) On or before the 30th November in each year every district educational council shall submit to the [1][Local Government] through the Director of Public Instruction, in such form as may be prescribed, a budget of income and expenditure for the ensuing financial year. Council to submit to Local Government budget of income and expenditure.

(2) The [1][Local Government] may pass such orders as [2][they think fit] in respect of the budget and the district educational council shall be bound to carry out all such orders.

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[1] These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[2] These words were substituted for the words 'he thinks fit' by schedule *ibid.*

Audit of accounts of council.

31. The accounts of every district educational council shall be examined and audited by an officer appointed by the [1][Local Government] in this behalf and the district educational council shall carry out any instructions which the [1][Local Government] may issue on the audit report.

CHAPTER III.

ELEMENTARY EDUCATION FUNDS.

(1) *Their Constitution and Control.*

Elementary education fund.

32. There shall be constituted for each local authority in every district in which this Act is brought into force an elementary education fund to which shall be credited—

(i) the proceeds of any tax levied within the jurisdiction of such authority under the provisions of this Act ;

[2][(i-*a*) an annual contribution from the general funds of such authority, not being less than a minimum fixed by the Local Government in that behalf] ;

[2][(i-*b*) such additional contribution from the general funds of such authority as the Local Government may decide to be necessary in any year in order to balance the budget of the fund for such year] ;

(ii) all sums granted to such authority by the [1][Local Government] for the benefit of elementary education ;

(iii) all fines and penalties levied within the jurisdiction of such authority under the provisions of this Act ;

(iv) all income derived from any endowments or other property owned or managed by such authority for the benefit of elementary education ;

(v) all school fees, if any, collected in elementary schools managed by such authority ; and

(vi) all other sums of money which may be contributed or received by such authority for the purposes of this Act.

Education fund where to be lodged and how to be drawn upon.

33. (1) The education fund constituted under section 32 shall be lodged in such bank or Government treasury as the [1][Local Government] may direct.

(2) All expenses incurred on elementary education by the local authority concerned shall be paid out of the fund.

(3) All orders or cheques upon the fund shall be signed by the chief executive officer of the local authority or by such person as he may authorize in writing to sign on his behalf.

(4) So far as the funds to credit permit, the treasury or bank shall pay—

(*a*) all orders or cheques signed in accordance with sub-section (3) ;

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[1] These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[2] These clauses were inserted by section 56 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

(*b*) all expenses incurred by the [1][Local Government] on behalf of the local authority, provided that the local authority has given previous authority in writing to the bank or treasury to debit such expenses to the fund without the issue of any order or cheque.

(2) *The Education Tax and Government Contribution.*

Education taxes.

[**34.** (1) Any municipal council may with the previous sanction of the Local Government and shall, if so directed by them, levy within its area taxes not exceeding twenty-five per centum of the taxation levied in the municipality under the law for the time being in force governing the same under all or any of the following heads, namely, property tax, tax on companies and profession tax.

(2) Any district board may with the previous sanction of the Local Government, and shall, if so directed by them, levy within its area or any part thereof taxes not exceeding twenty-five per centum of the taxation levied in such area or part under the law for the time being in force governing district boards, under all or any of the following heads, namely, land-cess, profession tax and house-tax.]

Rates of levy of the taxes.

[2][**35.** (1) The rates of levy of any tax under section 34 shall, subject to the maxima specified in that section, be determined—

(*a*) by the local authority with the previous sanction of the Local Government, in case the tax is levied by the local authority of its own motion ; and

(*b*) by the Local Government, in case the tax is levied at their direction.

(2) Subject to the maxima aforesaid, the local authority may with the previous sanction of the Local Government, and shall, if so directed by them, alter the rates of levy of any such tax.]

Assessment and realization of taxes.

[3][**36.** (1) Every tax levied in any area under any head of taxation mentioned in section 34 shall be deemed to be an addition to a tax levied under the same head in such area under the law for the time being in force governing municipalities or local boards, as the case may be, and all the provisions of such law relating to the incidence, assessment or realization of such tax or in any manner connected therewith shall be applicable accordingly :

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[1] These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[2] These sections were substituted by section 57 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] This section was substituted by section 6 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

Provided that the Local Government may direct that the said provisions shall apply subject to such modifications and restrictions as may be prescribed.

(2) In particular, any such tax levied in a panchayat area under any head of taxation other than land-cess, shall be realized by the president of the panchayat as an addition to a tax levied under the same head under the Madras Local Boards Act, 1920. Out of the proceeds of the tax so realized such percentage as may be prescribed shall be credited to the village fund of the panchayat on account of the cost of collection and the balance shall be paid to the credit of the elementary education fund under the control of the [1][district board] concerned.]

Government contribution to elementary education fund.

37. When an elementary education fund is constituted under section 32, the [2][Local Government] shall contribute thereto a sum not less than the proceeds of the taxation levied under section 34 on behalf of the fund :

Provided that such contribution shall be in addition to, and not in lieu of, the amount of recurring expenditure incurred from provincial funds during the financial year before the coming into force of this Act on education in elementary schools under public management situated within the area for which such elementary education fund has been constituted.

(3) *Budget and Audit.*

Budget of elementary education fund.

38. (1) On or before the 30th November in each year every local authority for which an elementary education fund has been constituted under section 32 shall submit to the [2][Local Government] through the district educational council and the Director of Public Instruction, in such form as may be prescribed, a budget for the ensuing financial year showing the income and expenditure relating to such fund.

(2) The [2][Local Government] may pass such orders as [3][they think fit] in respect of the budget and the local authority concerned shall be bound to carry out all such orders.

Audit of accounts of elementary education fund.

39. The accounts of each education fund shall be examined and audited by an officer appointed by the [2][Local Government] in this behalf, and the local authority concerned shall carry out any instructions which the [2][Local Government] may issue on the audit report.

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[1] These words were substituted for the words ' taluk board ' by section 58 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] These words were substituted for the words ' Governor in Council ' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[3] These words were substituted for the words ' he thinks fit ' by Schedule *ibid.*

(4) *Saving Clause.*

40. Save as otherwise expressly provided by this Act, nothing in the Madras District Municipalities Act, 1920, or in the Madras Local Boards Act [1][1920], or in the Madras City Municipal Act, 1919, shall affect any of the provisions of this [2][Act]. Saving clause.

CHAPTER IV.

ELEMENTARY SCHOOLS.

(1) *Recognition.*

41. (1) The manager of any school under private or public management desiring that such school [3][or a department of such school] shall be recognized as an elementary school shall submit an application in the prescribed form [4][through the District Educational Officer or the Inspectress of Girls' Schools, as the case may be] to the district educational council. Recognition of elementary schools.

(2) Subject to such rules as may be prescribed the district educational council may, by an order in writing, grant such application, either with or without conditions, or refuse or defer the grant of recognition, and may in like manner cancel or suspend any order granting recognition.

[5][3 (*a*) An appeal shall lie to the Director of Public Instruction in respect of any order passed under sub-section (2) [6][within sixty days from the date of the passing thereof]

[5][(*b*) The Director of Public Instruction shall also have power otherwise than on appeal to modify or cancel any order passed by the district educational council under sub-section (2) :

Provided that the Director shall, before modifying or cancelling any such order communicate to the council the action proposed to be taken by him and his reasons therefor and consider any explanation or objection which may be made by the council :

Provided further that no action shall be taken by the Director under this clause unless he has communicated to the council his proposal to modify or cancel the order passed by it, within one year from the date of the passing thereof.]

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[1] These figures were substituted for the figures '1884' by section 7 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[2] This word was substituted for the word 'Chapter' by section 7 *ibid.*

[3] These words were inserted by section 8 *ibid.*

[4] These words were substituted for the words 'through the inspector of schools' by section 9 *ibid.*

[5] Sub-section (3) was lettered as clause (*a*) of subsection (3) and clause (*b*) was added by section 5 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

[6] The words within square brackets were added by *ibid.*

[1][(4) The Local Government may—

(*a*) direct the district educational council to grant or refuse recognition to, or withdraw recognition from, any elementary school or any standard or standards thereof, or

(*b*) suspend, modify or cancel any order passed by the district educational council under this section:

(*c*) suspend, modify or cancel any order passed by the Director of Public Instruction under this section:

Provided that the Local Government shall, before taking action under clause (*a*) or modifying or cancelling any order under clause (*b*), communicate to the district educational council the action proposed to be taken by them and their reasons therefor and consider any explanation or objection which may be made by the council.

Where the Local Government have issued a direction to the district educational council under clause (*a*), they shall have power to modify or cancel any proceedings of the council in contravention of such direction and to take such action as may be necessary to carry out the same.]

[1][(5)] All orders of recognition in respect of elementary schools made by the Director of Public Instruction or by an inspector of schools before this Act came into force shall be held to have been made under this section.

(2) *Grants-in-aid.*

Admission of private elementary schools to aid.

42. (1) The manager of any elementary school under private management desiring that such school shall be admitted to aid shall submit an application in the prescribed form [2][through the district educational officer or the inspectress of girls' schools, as the case may be] to the district educational council.

(2) Subject to such rules as may be prescribed the district educational council may, by an order in writing, grant such application, either with or without conditions, or refuse or defer the grant of admission to aid, and may in like manner cancel or suspend any order granting admission to aid

[3][3 (*a*)] An appeal shall lie to the Director of Public Instruction in respect of any order passed under sub-section (2)[4].] within sixty days from the date of the passing thereof.

---

[1] Sub-section (4) was renumbered (5) and sub-section (4) was inserted by Section 5 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

2 These words were substituted for the words 'through the inspector of schools' by section 9 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II 1932).

[3] Sub-section (3) was lettered as clause (*a*) of sub-section (3) and clause (*b*) was added by section 6 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

[4] The words within square brackets were added by *ibid.*

[1][(*b*) The Director of Public Instruction shall also have power otherwise than on appeal to modify or cancel any order passed by the district educational council under sub-section (2):

Provided that the Director shall, before modifying or cancelling any such order, communicate to the council the action proposed to be taken by him and his reasons therefor and consider any explanation or objection which may be made by the council:

Provided further that no action shall be taken by the Director under this clause unless he has communicated to the council his proposal to modify or cancel the order passed by it, within one year from the date of the passing thereof.]

[2][(4) The Local Government may—

(*a*) direct the district educational council to grant or refuse aid to, or withdraw aid from, any elementary school, or

(*b*) suspend, modify or cancel any order passed by the district educational council under this section, or

(*c*) suspend, modify or cancel any order passed by the Director of Public Instruction under this section:

Provided that the Local Government shall, before taking action under clause (*a*) or modifying or cancelling any order under clause (*b*), communicate to the district educational council the action proposed to be taken by them and their reasons therefor and consider any explanation or objection which may be made by the Council.

Where the Local Government have issued a direction to the district educational council under clause (*a*) they shall have power to modify or cancel any proceedings of the council in contravention of such direction and to take such action as may be necessary to carry out the same.]

[2][(5)] All orders admitting elementary schools to aid made by the Director of Public Instruction or by an inspector of schools before this Act came into force shall be held to have been made under this section.

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[1] Sub-section (3) was lettered as clause (*a*) of sub-section (3) and clause (*b*) was added by section 6 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

[2] Sub-section (4) was renumbered as sub-section (5) and sub-section (4) was inserted by *ibid.*

Manager of aided school to furnish prescribd returns.

43. The manager of any school admitted to aid under section 42 shall furnish the district educational council with returns and other information as may be prescribed and shall afford the council reasonable facilities for verifying such returns and information.

CHAPTER V.

Compulsory Elementary Education.

(1) *Introduction of Compulsion.*

Local authority may resolve to make education compulsory.

44. Subject to the conditions laid down in this chapter any local authority may, by a resolution passed at a meeting specially convened for the purpose and supported by the votes of not less than two-thirds of the members present, resolve that elementary education [1][or education in such standards thereof as may be prescribed in this behalf] shall be compulsory within the whole or a specified part of the local area under its jurisdiction—

(*a*) for all children of school-age, or

(*b*) for boys of school-age, or

(*c*) for girls of school-age-[2][or

(*d*) for all children of school-age who have, for such period as may be prescribed, attended an elementary school ; or

(*e*) for all boys of school-age who have, for such period as may be prescribed, attended an elementary school ; or

(*f*) for all girls of school-age who have, for such period as may be prescribed, attended an elementary school.]

Local authority to submit its resolution to Government.

45. (1) Every resolution passed under section 44 shall be submitted through the district educational council to the [3][Local Government].

(2) The [3][Local Government] may accept or reject any such resolution :

Provided that the [3][Local Government] shall reject the resolution unless—

(*a*) the local authority concerned shall have declared by resolution its readiness to levy the tax or taxes leviable under section 34 throughout the area specified at such rates as may be necessary to meet the expenditure involved : and

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1 The words within square brackets were inserted by section 7 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

2 The portion within square brackets was added by *ibid.*

3 These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

(*b*) the [1][Local Government] [2][are satisfied] that adequate arrangements have been made for the provision of trained teachers and that the number of elementary school-places in the area is sufficient or will, within a reasonable period, be made sufficient for all children of school-age residing therein in respect of whom it has been resolved that elementary education shall be compulsory subject always to the exceptions permitted by the provisions of section 50 :

Provided further that if the resolution extends only to the children of one sex the [1][Local Government] may reject it unless satisfied that sufficient accommodation is or will be provided as required by sub-clause (*b*) of the foregoing proviso for all the children of school-age of the other sex resident in the area or for such proportion of them as the [1][Local Government] may in each case direct.

Explanation.—The number of elementary school-places should not be considered to be sufficient unless provision has already been made or will, within a reasonable period, be made for the education of every child not exempted under section 50 in an elementary school situated within one mile from the residence of such child :

Provided that in the case of any specified local area the [1][Local Government] may, by notification, vary the distance herein laid down for such period of time as he may think fit.

Power of Local Government to require local authorities to frame schemes for compulsory elementary education.

[3][45-A. (1) The Local Government may of their own motion require any local authority to frame a scheme for any of the purposes mentioned in section 44 within such time as may be specified in the requisition. Such scheme shall be submitted to the Local Government through the district educational council and the Director of Public Instruction.

(2) The Local Government may accept the scheme or accept it with such modifications as they may deem necessary or they may reject it.

(3) If the local authority fails to submit a scheme for the purposes and within the time specified in the requisition, or if any scheme so submitted is rejected under sub-section (2), the Local Government may themselves frame a scheme for such purposes.]

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[1] These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[2] These words were substituted for the words 'is satisfied' by Schedule *ibid.*

[3] This section was inserted by section 8 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

Publication of resolution or scheme.

[1][**46.** If the Local Government accept a resolution under sub-section (2) of section 45 or a scheme under sub-section (2) section 45-A or frame a scheme under sub-section (3) of section 45-A, such resolution or scheme shall be notified in the *Fort St. George Gazette* and in the Gazette of the district, if any, and the provisions of sections 47 to 51 (both inclusive) shall thereupon come into force within the area to which the resolution or scheme applies and from such date as may be specified in the notification.]

No fee to be levied at elementary schools under public or panchayat management in areas notified under section 46.

[2][**47.** (1) No fees shall be levied at any elementary school under public or panchayat management situated in any area affected by a notification under section 46, from any child to whom such notification applies.

(2) Fees may be levied from any such child at any other elementary school situated in the said area :

Provided that where within one mile of such school or such other distance therefrom as may be notified under the Explanation to sub-section (2) of section 45, there is no other elementary school at which fees are not levied, such number of free places as may be fixed by the District Educational Council in consultation with the local authority concerned shall be reserved in such school.]

(2) *Exemptions.*

Power to exempt any person or class of persons.

48. The [3][Local Government] may, by notification, exempt any person or class of persons from the effect of a notification under section 46.

(3) *Responsibility of Guardians.*

Responsibility of guardian to cause child of school-age to attend school.

49. In every area affected by a notification under section 46 it shall be the duty of the guardian of every child of school-age resident in such area [4][and affected by such notification], subject to the exceptions authorized by section 50, to cause such child to attend an elementary school in such area :

Provided that no guardian shall be compelled to cause a child to attend a school at which attendance at religious instruction in a faith other than that to which the child belongs is compulsory :

[5][* * *]

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[1] This section was substituted by section 9 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

[2] This section was substituted by section 10 of Madras Act II of 1932.

[3] These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act 1931 (Madras Act II of 1932).

[4] These words were inserted by section 11 *ibid.*

[5] The second proviso to section 49 was omitted by section 10 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

50. Attendance at school shall not be compulsory in the following circumstances :— Attendence of child at school optional in certain circumstances.

(i) if there is no elementary school within one mile or ; such other distance as may have been notified under the explanation to sub-section (2) of section 45 from the residence of the child ;

(ii) if the child is prevented from attending school by reason of sickness, infirmity or other cause declared by a resolution of the local authority concerned to be a reasonable excuse ;

(iii) if the child is receiving instruction in some other manner declared to be satisfactory by a prescribed officer ;

(iv) if the child has already received instruction in an elementary school or otherwise up to the standard prescribed for elementary education ;

(v) if the child is exempt from attendance on any other prescribed ground.

[1][(4) *Enforcement of Compulsion.*

51. (1) In areas where education is made compulsory under this Act, the Commissioner in the case of the Corporation of Madras, the Chairman concerned in the case of any other municipality, and the president of the district board concerned in the case of non-municipal areas, shall be responsible for the enforcement of the provisions of section 49, and subject to such rules as may be prescribed, shall impose a penalty, not being less than such minimum sum and not exceeding such maximum sum as may be prescribed, on any guardian who has without reasonable excuse failed to discharge the obligation created by section 49. Enforcement of the liability of guardians under section 49.

(2) Against any order of the chairman of a municipality or the president of a district board imposing a penalty under sub-section (1), an appeal shall lie, within one month of the date of the service of such order, to the Revenue Divisional Officer in the case of an order passed by a municipal chairman and to the District Collector in the case of an order passed by a district board president. The Revenue Divisional Officer or District Collector may confirm, reduce or cancel the penalty :

Provided that no appeal shall lie under this sub-section where the penalty is imposed by the Revenue Divisional Officer as chairman of a municipality or by the District Collector as president of a district board.

[1] Section 51 and the heading thereto were substituted for sections 51 and 52 and the heading thereto by section 11 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

(3) Any penalty imposed under this section shall be recovered from the guardian concerned in the same manner as if it were a tax levied under the law for the time being in force governing the municipality or the district board concerned.]

52. [1][Omitted.]

CHAPTER VI.

RELIGIOUS INSTRUCTION.

District educational council to arrange with Local authority for provision of elementary schools where private schools insist on attendance at religious instruction.

53. (1) If at any elementary school under private management and in receipt of aid under section 42 the children are required to be present during religious instruction based on the distinctive doctrines or creed of any particular religion, sect or denomination, and not less than ten guardians of children attending such school make an application in writing to the district educational council for the provision of elementary education in such a manner as to obviate their compulsory presence during religious instruction, the district educational council, on being satisfied that the requisite provision does not already exist in some other neighbouring elementary school, shall require the manager of the school to enter into an agreement for the exemption from presence during religious instruction of all children whose guardians make a written request therefor.

(2) If within the time prescribed the manager fails to enter into such an agreement, the district educational council shall arrange with the local authority concerned for the establishment of an elementary school within one mile or such other distance as may have been notified under the explanation to sub-section (2) of section 45 from the residence of every child in respect of whom alternative educational facilities are requested.

(3) Every agreement made under sub-section (1) shall be for a stated period, on the expiry of which it shall, at the option of the manager, be determined or renewed for a further period on such terms as may be arranged.

(4) If the agreement is determined under sub-section (3), the district educational council shall make arrangements as aforesaid or the establishment of a new elementary school.

Eligibility for grant-in-aid of recognized schools where religious instruction is compulsory.

54. If an elementary school, the manager of which refuses to enter into an agreement under section 53 or exercises his option of determining such an agreement, continues to comply with the conditions on which recognition has been granted under section 41, it shall nevertheless be eligible for such grants-in-aid as may be admissible under section 42.

[1] *See* footnote for the heading to section 51.

CHAPTER VII.

MISCELLANEOUS.

[**55.** [1]Omitted.]

56. (1) The [2][Local Government] may, after previous publication, make rules not inconsistent with this Act to carry out all or any of the purposes of this Act. **Power of Local Government to make rules.**

(2) In particular and without prejudice to the generality of the foregoing provision [3][they may make] rules—

[4][(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed] ;

[5][(*aa*)] declaring what shall constitute 'elementary education,' 'elementary school-place,' 'school-age' and 'attendance at school' ;

(*b*) declaring what schools [6][or departments of schools] shall be classed as elementary [schools][7] ;

[8][(*c*) with reference to all matters not expressly provided for in this Act relating to the election of presidents, vice-presidents or members of district educational councils] ;

(*d*) regulating the appointment, pay, punishment and removal of the officers and servants employed by district educational councils ;

(*e*) determining the conditions subject to which property may be acquired, held and transferred by district educational councils ;

(*f*) laying down the registers, statements, reports, returns, budgets and other information to be maintained or furnished by district educational councils, by local authorities, [9][by panchayats], by managers of elementary schools under private management and by attendance committees [10] [and the time within which any statement, report, return, budget or other information shall be furnished] ;

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[1] This section was omitted by section 60 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] These words were substituted for the words 'Governor in Council' by section 2 (1) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

[3] These words were substituted for the words 'he may make' by Schedule *ibid.*

[4] New clause (*a*) was inserted by section 13 (i) *ibid.*

[5] The original clause (*a*) was relettered as clause (*aa*) by section 13 (i) *ibid.*

[6] These words were inserted by section 13 (ii) *ibid.*

[7] This word was inserted by section 13 (ii) *ibid.*

[8] This clause was substituted by section 13 (iii) *ibid.*

[9] These words were inserted by section 13 (iv) *ibid.*

[10] These words were added by section 13 (iv) *ibid.*

(*g*) regulating the procedure for the assessment and realization of the taxes leviable under section 34 ;

(*h*) declaring the conditions subject to which schools may be admitted to recognition or aid ;

[1][(*i*) regulating the powers of auditors to disallow or surcharge items and the recovery of sums disallowed or surcharged.]

[2][(*j*) Omitted.]

MADRAS ACT No. IX OF 1920.[3]

[An Act to amend the Madras Salt Act, 1889.]

[21*st December*, 1920.]

Preamble. WHEREAS it is expedient to amend the Madras Salt Act, 1889 ; It is hereby enacted as follows :—

Short title. **1** This Act shall be called the Madras Salt (Amendment) Act, 1920.

Amendment of section 43. **2** The following shall be added as clause (ii) of section 43 of the said Act, the existing section 43 being numbered as clause (i) :—

[*Vide pp.* 477–478.]

MADRAS ACT No. XI OF 1920.[4]

[An Act to amend the Madras General Clauses Act, 1891.]

[21*st December*, 1920,]

Preamble. WHEREAS it is expedient to amend the Madras General Clauses Act, 1891, by defining the word 'India' ; It is hereby enacted as follows :—

Definition of 'India'. **1.** In section 3 of the Madras General Clauses Act, 1891, after clause (15), the following clause shall be inserted :—

[*Vide p.* 496].

This definition applies, unless there is anything repugnant in the subject or context, to all Acts of the Governor in Council made after the 1st day of January 1892.

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[1] Clause (*i*) was inserted by section 12 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

[2] Clause (*j*) was omitted by *ibid.*

[3] For Statement of Objects and Reasons *see Fort St. George Gazette*, Part IV, dated 13th July 1920, p. 1249. For Proceedings in Council *see ibid.*, dated 25th January 1921, pp. 361–362.

[4] For Statement of Objects and Reasons *see Fort St. George Gazette*, Part IV, dated 10th August 1920, p. 1280. For Proceedings in Council *see ibid.*, dated 25th January 1921, p. 362.

MADRAS ACT No. XII OF 1920.[1]

[THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1920.]

[21*st December*, 1920]

WHEREAS it is expedient to amend the Madras District Municipalities Act, 1920 ; It is hereby enacted as follows :— Preamble.

1. The following shall be deemed to have been inserted after section 367 of the Madras District Municipalities Act, 1920 :— Insertion of a new section.

[*Vide p.* 1157.]

MADRAS ACT No. XIII OF 1920.

[THE MULGENI RENT ENHANCEMENT ACT, 1920.]

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, Part IV, dated 7th September 1920, p. 1288. For Proceedings in Council *see ibid.*, dated 25th January 1921, pages 362-363.

MADRAS ACT No. XIII OF 1920.[1]

[THE MULGENI RENT ENHANCEMENT ACT, 1920.]

[21*st December*, 1920.]

Preamble. WHEREAS it is expedient to provide for the enhancement of rent on certain mulgeni tenures in the district of South Kanara, and to provide for the apportionment of the difference between the assessment at the settlement commenced in 1902 and that at the settlement of 1819; It is herby enacted as follows :—

Short title and local extent. **1.** This Act may be called the Mulgeni Rent Enhancement Act, 1920, and shall be applicable to the whole of the district of South Kanara.

Mulgeni tenures to which the Act applies. **2.** The provisions of this Act shall apply to mulgeni tenures which were created or acquired prior to a date to be fixed in this behalf by the Local Government in respect of each taluk or other local area, and in respect of which there is no contract in writing between the mulgar and the mulgenidar providing for the payment of enhanced assessment.

No order or decree of a civil court passed before this Act comes into force shall operate to prevent the application of the Act to any such tenure.

Definitions. **3.** In this Act, unless there is something repugnant in the subject or context,

'Assessment.' (1) 'assessment' means the assessment to land revenue by Government.

'Old assessment' and 'new assessment.' (2) 'old assessment' and 'new assessment' mean, respectively, the assessment leviable before and after the revision of assessments which was commenced in 1902.

'Mulgeni tenure.' (3) 'mulgeni tenure' means a holding of land in perpetuity on a fixed rent, whether in money or kind or both, and includes tenures of the description known as 'kayamgeni,' 'nigdigeni' and 'sub-mulgeni,' but not 'walawarg.'

'Mulgar.' (4) 'mulgar' means the owner of land held under mulgeni tenure, his heirs, representatives and assigns, and includes a mulgenidar who has granted a mulgeni lease to a sub-mulgenidar or sub-tenant, his heirs, representatives and assigns.

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 29th June 1920, pages 1003–1004. For Proceedings in the Coucil *see ibid*, dated 30th November 1920, pages 1517–1520, and *ibid.*, dated 25th January 1921, pages 358–361.

(5) 'mulgenidar' means a tenant of land held under mulgeni tenure, his heirs, representatives and assigns, and includes a mortgage in possession from such tenant or from his heirs, representatives or assigns. 'Mulgenidar.

4. It shall be competent to the Local Government to confer all or any of the powers and to impose all or any of the duties conferred or imposed on the collector by this Act upon any other officer or person by notification in the official gazette. Government may authorize other officers or persons to exercise powers of collector.

5. Any mulgar may make an application in writing to the collector to make an order for the enhancement of the rent payable to him under a mulgeni tenure. Application for enhancement of rent.

Such application shall be in such form as the Local Government may prescribe and shall be accompanied by such fees as may be fixed by the Local Government.

6. On receiving an application under section 5, the collector shall hold an inquiry, and, if he is satisfied that the mulgeni tenure to which the application relates fulfils the conditions laid down in section 2, shall, in accordance with the provisions of the next following section, determine by an order in writing what enhancement, if any, shall be made in the rent payable in respect of the tenure. Inquiry and determination of enhancement of rent.

7. (1) Where the rent is payable in money, it shall be enhanced by an amount not exceeding the whole of the excess of the new assessment over the old. Principles on which enhancement is to be made.

(2) Where the rent is payable in kind, the increase in the assessment shall be divided between the mulgar and mulgenidar in the proportion borne by the old assessment to the new assessment on the land and the rent enhanced by an amount equal to the mulgenidar's share of the increase in the assessment.

(3) Where the rent is payable partly in money and partly in kind, the proportion that the money rent bears to the total rent shall be ascertained and the money rent enhanced by an amount not exceeding the same proportion of the increase in the assessment. The remainder of the increase in the assessment shall be apportioned in accordance with the principle stated in sub-section (2) and the mulgenidar's share shall be added to the rent :

Provided that, where good cause is shown for believing that an enhancement of the rent under sub-sections (1), (2) and (3) would be inequitable, the collector may make a fair and equitable settlement.

(4) The increase in rent determined under this section shall be in money.

Mode of ascertainment of old assessment.

8. In cases in which the old assessment on a mulgeni holding is not known, such assessment shall be calculated by apportioning the old assessment on the block of which it forms a part among the areas of which the block is made up according to the proportion which the settlement assessment of each such area bears to the settlement assessment of the whole of the block :

Provided that, when an apportionment between any such areas has already been made by the settlement officer, or by agreement between the parties concerned, such apportionment shall be accepted by the collector even though it does not conform to the provisions of this section.

Explanation.—'Block' in this section means any unit of area upon which a separate assessment was leviable immediately prior to the revision of assessments which was commenced in 1902.

Enhancement to remain in force until assessment is varied.

9. The enhancement in rent determined under section 6 shall remain in force unless and until the assessment is varied when, on application made by the mulgar or the mulgenidar, the collector may direct such further enhancement or such reduction as may seem equitable having regard to the nature and extent of the variation in assessment.

When revision takes effect.

10. Any revision of rent under this Act shall take effect from the commencement of the revenue year in which application is made for such revision.

Appeal.

11. From every decision under this Act by a collector or other officer or person empowered under section 4 an appeal shall lie to the district court.

The decision on appeal of the district court shall be final.

Reference to pending suits in civil courts at commencement of Act.

12. From and after the date on which this Act comes into force, no suit shall lie by any mulgenidar for the recovery of any sum paid before the said date in consequence of the increase in assessment, and all such suits as are pending in the civil courts on the date above referred to, in so far as they relate to the recovery of any such sums, shall be referred by the courts concerned to the collector for disposal under this Act. The collector shall thereupon proceed as if an application has been made to him under section 5 and shall treat the date of plaint as the date of application.

Power to make rules.

13. The Local Government may, after previous publication, make rules for the purpose of carrying out the provisions of this Act.

In particular and without prejudice to the generality of the foregoing provision, the Local Government may make rules—

(1) fixing the date specified in section 2 ;

(2) prescribing forms and the mode of service of notice under this Act ;

(3) fixing the fees, costs and charges to be paid in respect of proceedings under this Act ;

(4) prescribing the area in which the collector or other officer or person empowered under section 4 of this Act should exercise jurisdiction and the procedure to be followed by the collector in the discharge of any duty imposed on him by or under this Act ;

(5) providing for commutation and apportionment under sub-sections (2) and (3) of section 7.

MADRAS ACT No. XIV OF 1920.

[THE MADRAS LOCAL BOARDS ACT, 1920.]

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146. Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

CHAPTER IX.—DANGEROUS STRUCTURES, TREES AND PLACES, ETC.

147. Precautions in case of dangerous structures.
148. Precautions in case of dangerous trees.
149. Fencing of buildings or lands and pruning of hedges and trees.
150. Precautions in case of dangerous tanks, wells, holes, etc.
151. Licence to be obtained for quarrying near public road, etc.
152. [Omitted.]
153. Removal of filth or noxious vegetation from lands and buildings in panchayat areas.
154. Power to destroy stray pigs and dogs.
155. Power of president to use or sell materials of dangerous structure taken down, etc.
156. Limitation of compensation.

CHAPTER X.—PUBLIC ROADS.

157. Prohibition against obstructions in or over public roads.
157A. Public roads open to all.
158. Prohibition against, and regulation of, doors, ground-floor, windows and bars opening outwards, etc.
159. Removal of encroachments.

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160. Power to allow certain projections and erections.
161. Prohibition of building on sewer, drain, etc., without permission.
162. Notice regarding removal of noxious vegetation, etc.
163. Prohibition against making holes and causing obstruction in public road.
163A. Prohibition against planting or felling trees on public roads, etc., without permission.
164. Recovery of penalty and compensation for unauthorized occupation of land.
165. Power of local board to recover expenses caused by extraordinary traffic.
166. Licensing of motor vehicles plying for hire and motor lorries.

CHAPTER XI.—MARKETS, SLAUGHTER-HOUSES, ETC.

Public markets.

167. Public markets.
168. Powers in respect of public markets.
169. President's control over public markets.

Private markets.

170. [Omitted.]
171. Licence for private market.
172. Procedure for claiming right to levy fees in private markets established prior to 1884.
173. Right of suit for establishing claim to levy fees.
174. Fee for licence.
175. Prohibition of sale in unlicensed private markets.
176. Powers of panchayat in respect of private markets.
177. Suspension or refusal of licence for default in complying with notice under section 176.
178. Prohibition against nuisances in private markets.
179. Power to close private markets.
180. Acquisition of rights or private persons to hold private markets.
181. Appeal against orders under section 171.
182. Duty of expelling lepers, etc., from markets and power to expel disturbers.
183. Prohibition against sale in public roads.
183A. Exercise of powers in respect of taluk markets.
183B. Decision of disputes as to whether places are markets.

Cart-stands.

184. Provision of public cart-stands.
185. Prohibition of use of public place or sides of public road as cart-stand, etc.
186. Recovery of cart-stand fees, etc.
187. Licence for private cart-stand.
188. [Omitted.]

SECTIONS.

Slaughter-houses.

189. Provision of slaughter-houses.
190. Panchayat may prohibit slaughtering, etc., of cattle in places other than public slaughter-houses.
191. Slaughter of animals during festivals and ceremonies.
192. Government places exempted.

Industries and Factories.

193. Purposes for which places may not be used without licence.
194. Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed.
195. Power of panchayat to issue directions for abatement of nuisance caused by steam or other power.
196. Power of Local Government to pass orders or give directions to local board.
197. Power of president of panchayat to enter factory, etc.

Application of the Places of Public Resort Act.

198. Extension of the Places of Public Resort Act, 1888, to any local area.

PART V.—SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XII.—SUBSIDIARY LEGISLATION.

Rules and Schedules.

199. Power of Local Government to make rules.
200. Procedure for the making of rules.
201. Power of Local Government to amend, add to and cancel schedules and procedure therefor.
201A. Procedure for the making of rules under sub-section (2) of section 74-A and section 201.

By-laws.

202. Power of district board to make by-laws.
203. Penalty for breaches of by-laws.
203A. Power of panchayat to make by-laws.
204. Procedure for the making of by-laws.
205. Confirmation of by-laws by Local Government.
205A. Procedure for making, and the publication of by-laws.

Extension of the District Municipalities Act.

206. Extension to villages of the District Municipalities Act, 1920, or rules framed thereunder.

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207. General provisions regarding penalties specified in the schedules.
208. Penalty for acting as member, president, or vice president of a local board when disqualified.
209. Penalty for acquisition by an officer or servant of interest in contract work.
210. Wrongful restraint of president or his delegate.
211. Penalty for not giving, or giving false information.

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Licences and permissions.

SECTIONS.

212. General provisions regarding licences and permissions.
213. Limitation of time for appeal.
214. Form of licences, notices and permissions.
215. Publication of notifications under the Act.
215A. Notice of prohibitions or setting apart of places.
216. Method of serving documents.

President's powers of entry and inspection.

217. Power of entry to inspect, survey or execute works.
218. Inspection and stamping of weights and measures.

Power to enforce licencing provisions, orders, etc.

219. Consequences of failure to obtain licences, etc., or of breach of the same.
220. Time for complying with notice, order, etc., and power to enforce in default.
221. Recovery of sums due as taxes.
222. Limitation for recovery of dues.
223. Persons empowered to prosecute.
224. Recovery of fines, costs, etc.
225. Notice of action against local board.
226. Compounding of offences.
227. Liability of the president and members for loss, waste or misapplication of property.
227A. Sanction for prosecution of president or member of a local board.
228. Assessment, etc., not to be impeached.
229. Prohibition against obstruction of local boards' servants or contractors.
230. Prohibition against removal or obliteration of notice.
231. President's powers to require karnams and headmen to furnish statements or returns.
232. President's power to summon parties.

Local Government's powers of delegation and arbitration.

233. Delegation of powers by Government.
234. Adjudication of disputes between local authorities.

Miscellaneous.

235. Passing of property and rights to local board as reconstituted.
236. Utilization of railway-cess accumulations
237. Extent and commencement of Act.
238. [Omitted.]
239. [Omitted.]

SECTIONS.

240. Special provision in the case of newly constituted and reconstituted local boards.

SCHEDULE I.—Enactments repealed.

SCHEDULE II.—Rules regarding proceedings of local board.

SCHEDULE III.—Electoral qualifications.

SCHEDULE IV.—Taxation rules.

SCHEDULE V.—Finance rules.

SCHEDULE VI.—List of dangerous diseases.

SCHEDULE VII.—Purposes for which premises may not be used without licence.

SCHEDULE VIII.—Ordinary penalties.

SCHEDULE IX.—Penalties for continuing breaches.

SCHEDULE X.—[Omitted.]

MADRAS ACT No. XIV OF 1920.[1]

[THE MADRAS LOCAL BOARDS ACT, 1920.]

[*4th January* 1921.]

An Act to consolidate and amend the law relating to Local Boards:

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to local boards in the Presidency 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.

1. This Act may be called 'The Madras Local Boards Act, 1920.'

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—

'Adi-Dravida.'

[2][(1) 'Adi-Dravida' means any person professing the Hindu Religion and belonging to any of the following

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[1] For Statement of Objects and Reasons *see* Part IV of the *Fort St. George Gazette*, dated 22nd June 1920, pp. 977–978. For Report of the Select Committee *see* Gazette Extraordinary No. 15, dated 4th September 1920, pp. 23–38. For Proceedings in the Council *see* Part IV of the *Fort St. George Gazette*, dated 2nd November 1920, pp. 1367–1389 and *ibid.*, dated 18th January 1921, pp. 211–344.

[2] Clause (1) was renumbered as clause (1-B) and clauses (1) and (1-A) were inserted by section 3 (i) of the Madras Local Boards (Amendment) Act 1930 (Madras Act XI of 1930).

communities, namely, the Paraiyans, Pallans, Valluvans, Malas, Madigas, Chakkiliyans, Tottiyans, Cherumans and Holeyas, or to any other community that may be prescribed ;]

[1][(1-A) 'Anglo-Indian' means any person not being a European, who is 'Anglo-Indian.'

(i) of European descent in the male line, or

(ii) of mixed Asiatic and non-Asiatic descent whose father, grandfather or more remote ancestor in the male line was born in the Continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America ;]

[1] [(1-B)] 'appoint' includes to appoint temporarily or in an officiating capacity ; 'Appoint.'

(2) 'appointment' includes temporary and officiating appointments ; 'Appointment.'

(3) '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.'

[2] [(4) Omitted ;]

[2] [(5) Omitted ;]

[3] [(5-A) 'casual vacancy' means a vacancy occurring otherwise than by efflux of time and 'casual election' means an election held on the occurrence of a casual vacancy ;] 'Casual vacancy.' 'Casual election.'

[4] [(6) 'company' means a company as defined in the Indian Companies Act, 1913, or formed in pursuance of an Act of Parliament or of Royal Charter or Letters Patent, or of an Act of the Legislature of a British Possession and includes any firm or association carrying on business in the Presidency of Madras, whether incorporated or not, and whether its principal place of business is situated in the said Presidency or not ;] 'Company.'

Act VII of 1913.

[5] [(7) 'district' means the revenue district referred to in sub-section (1) of section 3-A or the local area constituted into a district under sub-section (2) of that section, as altered by the notifications, if any, issued under sub-section (3) of the same section ;] 'District.'

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[1] Clause (1) was renumbered as clause (1-B) and clauses (1) and (1-A) were inserted by section 3 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] Clauses (4) and (5) were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] This clause was inserted by section 3 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] This clause was substituted by section 3 (iii) *ibid.*

[5] This clause was substituted by section 2 (i) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

'District board.' [1] [(7-A) 'district board' means the body constituted for the local administration of a district under sub-section (1) of section 6 ;]

'European.' [(7-B) 'European' means any person of European descent who either was born in or has a domicile in the United Kingdom or in any British possession or in any State of India, or whose father was so born or has or had up to the date of the birth of the person in question such domicile ;]

'Forest.' [1] [(7-C) 'forest' includes unreserved land at the disposal of Government and forest reserved under the Madras Forest Act, 1882 ;] Madras Act V of 1882.

'House' (8) 'house' means a building fit for human occupation, whether as a residence or otherwise, having a separate principal entrance from the common way, and includes any shop, workshop or warehouse ;

'Indian Christian.' [2] [(8-A) 'Indian Christian' means a native of India who is, or in good faith claims to be, of unmixed Asiatic descent and who professes any form of the Christian religion ;]

'Land holder.' (9) 'landholder' includes all persons holding under a sanad-i-milkiat-istimrar, all other zamindars, poligars shrotriyamdars, jagirdars and inamdars, all persons registered as proprietors under section 5 of the Madras Limited Proprietors Act, 1911, and all persons farming the land revenue under Government ; all holders of land [3] [in the district of Malabar] under whatever tenure ; and all holders of land under ryotwari settlement, or in any way subject to the payment of land revenue direct to Government, and all registered holders of land in proprietary right ;

'Latrine.' (10) 'latrine' includes privy, water-closet and urinal ;

'Legislative council.' [4] [(10-A) 'legislative council' means the legislative council of the Governor of Madras ;]

'Local authority.' [4] [(10-B) 'local authority' includes a cantonment authority ;]

'Local board.' [5] [(11) 'local board' means and includes a district board, [6] (. . .) or panchayat ;]

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[1] Clauses (7), (7-A), (7-B) and (7-C) were substituted for the original clause (7) by section 3 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This clause was inserted by section 3 (v) *ibid.*

[3] These words were substituted for the words 'in Malabar' by section 3 (vi) *ibid.*

[4] These clauses were inserted by section 3 (vii) *ibid.*

[5] This clause was substituted by section 3 (viii) *ibid.*

[6] The words 'taluk board' were omitted by section 2 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[1][(12) 'local fund' means and includes a district fund [2](. . .) or village fund ;] 'Local fund.'

(13) 'nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property ; 'Nuisance.'

[3][(13-A) 'ordinary vacancy' means a vacancy occurring by efflux of time and 'ordinary election' means an election held on the occurrence of an ordinary vacancy;] 'Ordinary vacancy,' 'Ordinary election.'

(14) '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, and (*b*) the person for the time being in charge of the animal or vehicle in connexion with which the word is used ; 'Owner.'

(15) 'palanquin' includes tonjons, manchils and chairs carried by men by means of posts, but not slings or cots used for the conveyance of children or aged or sick people ; 'Palanquin.'

[4][(15-A) 'panchayat' means the body constituted for the local administration of a village under sub-section (1) of section 6 ;] 'Panchayat.'

[4][(15-B) 'panchayatdar' means a member of a panchayat ;] 'Panchayatdar.'

(16) 'prescribed' means prescribed by the Local Government by rules made under this Act ; 'Prescribed.'

(17) 'private road' means any street, road, square, court, alley, passage or riding-path which is not a 'public road,' 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 ; 'Private road.'

(18) 'public road' means any street, road, square, court, alley, passage or riding-path, [5][over which the public have a right of way] whether a thoroughfare or not, and includes— 'Public road.'

(*a*) the roadway over any public bridge or causeway ;

(*b*) the footway attached to any such road, public bridge or causeway ; and

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[1] This clause was substituted by section 3 (ix) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words 'taluk fund' were omitted by section 2 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] This clause was inserted by section 3 (x) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] These clauses were inserted by section 3 (xi) *ibid.*

[5] These words which occurred after the words 'whether a thoroughfare or not' in the original were placed before those words by section 3 (xii) *ibid.*

(*c*) the drains attached to any such road, 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 ;

'Residence—Reside.' (19) 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 [1] [return to such house] at any time and has not abandoned his intention of returning ;

[2][(19-A) 'revenue district' means any local area which for the purposes of revenue administration, is under the charge of a district collector, after excluding therefrom all areas included in—

(*a*) the City of Madras including Fort St. George with the glacis ;

(*b*) municipalities constituted under the Madras District Municipalities Act, 1920 ; Madras Act V of 1920.

(*c*) cantonments constituted under the Cantonments Act, 1924 ; and II of 1924.

(*d*) Scheduled districts as defined in the Scheduled Districts Act, 1874.] Act XIV of 1874.

'Revenue taluk.' [3][(19-B) 'revenue taluk' means any local area which for the purposes of revenue administration, is under the charge of a tahsildar or an independent deputy tahsildar after excluding therefrom the areas, if any [which are not included in any district as defined in clause (7) ;]

'Revenue village.' [3][(19-C) 'revenue village' means any local area which is recognized as a village in the revenue accounts of Government after excluding therefrom the areas, if any [4][which are not included in any district as defined in clause (7) ;]

'Salary.' (20) 'salary' means pay and acting pay or payment by way of commission and includes exchange

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[1] These words were substituted for the words 'return thereto' by section 3 (xiii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This clause was inserted by section 2 (ii) (*a*) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

[3] These clauses which were inserted by section 3 (xiv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930) as clauses (19-A) and (19-B), were relettered as (19-B) and (19-C) by section 2 (ii) (*a*) *ibid.*

[4] These words and figures were substituted for the words, letters and figure 'referred to in sub-clauses (*a*) to (*c*) of clause (7)' by section 2 (ii) (*b*) *ibid.*

compensation allowance, but not allowances for houserent, carriage-hire or travelling expenses ; 'Sub-landholder.

[1][(21) 'sub-landholder' means a person not being a landholder who—

(*a*) (i) holds any portion of any estate consisting of one or more revenue villages on an undertenure created, continued or recognized by the proprietor of such estate, or

(ii) is entitled to collect the rents of any such village or villages otherwise than as agent or servant of the landholder, and

(*b*) is registered as a sub-landholder in the office of the Collector under the rules prescribed ;

Explanation.—In this clause the word 'estate' means any estate falling under clause (*a*), (*b*) or (*c*) of the definition of 'estate' in the Madras Proprietary Estates Village Service Act, 1894, and the word 'proprietor' means a proprietor as defined in that Act.] Madras Act II of 1894.

[2][(21-A) Omitted.]

[2][(21-B) Omitted.]

(22) 'tenant' includes all persons who, whether personally or by an agent, occupy land under a landholder or an intermediate landholder, and whether or not they pay rent to such landholder or intermediate landholder as the case may be ; 'Tenant.'

[3][(23) 'village' means any local area which is declared to be a village under section 5 ;] 'Village.'

(24) 'year' means the financial year. 'Year.'

PART II.—ESTABLISHMENT, CONSTITUTION AND GOVERNMENT OF LOCAL BOARDS.

CHAPTER II.—[4] [DISTRICTS [5](. . .) AND VILLAGES.]

[6][**3-A**. (1) Save as otherwise provided in this section, every local area which on the first day of February 1932 was a revenue district shall be deemed to a district for the purposes of this Act. Districts.

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[1] This clause was substituted by section 3 (xv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] Clauses (21-A) and (21-B) were omitted by section 2 (iii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] This clause was substituted by section 3 (xvi) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] This heading was substituted for the heading 'taluks and villages' by section 3 of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

[5] The word 'taluks' was omitted by section 3 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[6] This section was inserted by section 3 (ii) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

(2) The Local Government may, in special circumstances, by notification, declare any local area whether in the same revenue district or not, to be a district for the purposes of this Act and specify the name of the district.

(3) The Local Government may, by notification,—

(i) exclude from any district any local area comprised therein ; or

(ii) include in any district any local area in the vicinity thereof ; or

(iii) cancel a notification issued under sub-section (2) ; or

(iv) alter the name of any district.

(4) Before issuing a notification under sub section (2) or sub-section (3), the Local Government shall give the district board or boards which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objections, if any, of such district board or boards.

(5) Every notification issued under sub-section (2) or clause (i) or clause (ii) of sub-section (3) shall contain a statement of the reasons therefor and shall be laid on the table of the Legislative Council.

(6) If any district comprises only part of a revenue district or two or more revenue districts or parts of two or more revenue districts, the Local Government may, by notification, declare which officer shall be considered to be the district collector in respect of that district for the purposes of this Act.]

[**4.** [1] Omitted.]

Villages.

[2] [**5.** (1) The Local Government may, by notification published in the prescribed manner, declare any part of a revenue taluk to be a village for the purposes of this Act and specify the name of the village.

(2) The Local Government may, by notification published in the prescribed manner—

(*a*) exclude from a village any local area comprised therein, or

(*b*) include in a village any local area in the vicinity thereof and in the same revenue taluk, or

(*c*) cancel a notification issued under sub-section (1), or

(*d*) alter the name of the village as notified under sub-section (1).

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[1] Section 4 was omitted by section 4 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] This section was substituted by section 4 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(3) Before issuing a notification under sub-section (2), the Local Government shall give the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objections, if any, of such panchayat or panchayats.]

CHAPTER III.—CONSTITUTION AND CONTROL OF LOCAL BOARDS.

Establishment of local boards and their incorporation.

6. (1) There shall be constituted for each district, a district board, [1][. . .] and [2][for each village, a panchayat].

(2) Subject to the provisions of this Act, the administration of the local area for which a local board is constituted shall vest in such local board, but it shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president, to other local boards or to other authorities :

[3][Provided that, where there is no [4] (panchayat) in any part of a district, the district board shall exercise the powers, discharge the duties, perform the functions and be credited with the receipts and debited with the charges of the [4](panchayat), and the president of the district board shall exercise the powers, discharge the duties and perform the functions of the president of the [4](panchayat) in such part of the district.]

[5][. . .]

(3) Every local board shall [6][be a body corporate [7](by the name of the revenue district [8] * * * or the name of the district, [9] * * * or village, specified in the notification under section 3-A, [10] * * * or 5)] as the case may be shall have perpetual succession and a common seal and, subject to any restriction or qualification imposed by

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[1] The words ' for each taluk, a taluk board ' were omitted by section 5 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] These words were substituted for the words ' for each union, a union board ' by section 5 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[3] This proviso was substituted by section 5 (ii) *ibid.*

[4] The word ' panchayat ' was substituted for the words ' taluk board ' by section 5 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[5] The second proviso which was inserted by section 5 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930) was omitted by section 5 (iii) *ibid.*

[6] These words were substituted for the words ' by the name of the local area for which it shall have been established be a body corporate ' by section 5 (iii) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[7] These words, figures and letter were substituted for the words and figures ' by the name of the district or revenue taluk or the name of the taluk or village which is specified in the notification under section 4 or 5 ' by section 4 of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

[8] The words ' or revenue taluk ' were omitted by section 5 (iv) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[9] The word ' taluk ' was omitted by section 5 (iv) *ibid.*

[10] The figure ' 4 ' was omitted by section 5 (iv) *ibid.*

[1] [or under] this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

Total number of members of local boards.

7. The total number of members of a local board shall be subject to the following limits :—

	Maximum number of members.	Minimum number of members.
District boards	52	24
[2] [* * * * * * *		]
[3] [Panchayats	16	8]

All members of local boards to be elected.

[4] [**8.** All the members of every local board shall be elected in the manner laid down in this Act.]

Reservation of seats on local boards for certain communities and for women.

[4] [**9.** (1) In any district board, the Local Government may, in their discretion, by notification, from time to time, reserve seats for—

(*a*) Muslims,
(*b*) Indian Christians,
(*c*) Adi-Dravidas,
(*d*) Europeans,
(*e*) Anglo-Indians, or
(*f*) Women

and determine the number of such seats.]

[5] [(2)] In any panchayat, the Local Government may, in their discretion, by notification published in the prescribed manner, from time to time, [6] [reserve seats for—

(*a*) Muslims,
(*b*) Indian Christians, or
(*c*) Adi-Dravidas

and determine the number of such seats.]

[5] [(3)] The total number of seats reserved in any local board under sub-section (1) [7] [or (2)] shall not exceed one-fourth of the strength fixed for the local board under section 10.

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[1] Those words were inserted by section 5 (iii) (*b*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This item was omitted by section 6 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] This entry was substituted for the entry 'union boards—15, 7' by section 6 of the Madras Local Boards, (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] These sections were substituted by section 7 *ibid.*

[5] Sub-section (2) was omitted and sub-sections (3) to (7) were renumbered as sub-sections (2) to (6) respectively by section 7 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[6] This was substituted for the words 'reserve seats for Adi-Dravidas and determine the number of such seats' by section 2 of the Madras Local Boards (Amendment) Act, 1933 (Madras Act XIV of 1933).

[7] This word and figure were substituted for the word and figures '(2) or (3)' by section 7 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[1][(4)] No seat shall be reserved in any district board for any of the communities mentioned in clauses (*a*) to (*e*) of sub-section (1), [2][. . .], if at the last census such community constituted more than one-half of the total population of the district [3][. . .]

[1][(5)] In reserving seats in any local boards for any community, the Local Government shall have due regard to its number and importance.

[1][(6)] Nothing contained in [4][sub-sections (1) and (2)] shall be deemed to prevent members of any community or women for whom seats have been reserved in any local board, from standing for election to the non-reserved seats in the local board.]

Determination of number of members of local boards.

[5][**10.** (1) The Local Government shall, by notification, declare the total number of members of every local board.

(2) Subject to the approval of the Local Government, any local board may, by resolution supported by not less than three-fourths of the members present at a meeting specially convened in that behalf, alter the total number of its members as notified under sub-section (1).

(3) The notification referred to in sub-section (1) and the resolution referred to in sub-section (2) shall be published in the prescribed manner.]

Election and term of office of members of local boards.

[6][**11.** (1) The term of office of the members of every local board who are elected at ordinary elections shall, save as otherwise expressly provided in this Act, be three years beginning at noon on the day on which the vacancies occur.

(1-A) The Local Government may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the members of any local board as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification..

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[1] Sub-section (2) was omitted and sub-sections (3) to (7) were renumbered as sub-sections (2) to (6) respectively by section 7 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] The words, figures and letters ' or in any taluk board for any of the communities mentioned in clauses (*a*) to (*c*) of sub-section (2) ' were omitted by section 7 (iii) *ibid.*

[3] The words ' or taluk as the case may be ' were omitted by section 7 (iii) *ibid.*

[4] These words and figures were substituted for the words and figures [6]sub-sections (1) to (3) ' by section 7 (iv) *ibid.*

[5] This section was substituted by section 8 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[6] Sections 11 and 11-A were substituted for the original section 11 by section 9 *ibid* ; sub-sections (1) and (1-A) were substituted for the original sub-section (1) by section 2 of the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935).

(2) Ordinary vacancies in the office of a member of a local board shall be filled at ordinary elections which shall be fixed by the prescribed authority to take place [1][on such day or days within three months before the occurrence of the vacancies], as he thinks fit :

Provided that the Local Government may, for sufficient cause, direct or permit the holding of any ordinary election [2][after the occurrence of the vacancy.]

(3) A member of a local board elected at an ordinary election held after the occurrence of a vacancy shall enter upon office forthwith but shall hold office only so long as he would have been entitled to hold office if he had been elected before the occurrence of the vacancy.

(4) A casual vacancy in the office of a member of a local board shall be filled at a casual election which shall be fixed by the prescribed authority 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 [3][or before the date of retirement as determined under sub-section (1-A), as the case may be] and that such vacancy shall be filled at the next ordinary election.

(5) A member of a local board elected at a casual vacancy shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.]

Procedure where no member is elected at an election.

[4][**11-A.** (1) If at an ordinary or casual election to a local board held under section 11 no member is elected, a fresh election shall be held on such day as the prescribed authority may fix.

(2) If at such fresh election no member is elected, the local board may, in the manner prescribed, elect a qualified person to fill the vacancy.

(3) The term of office of a member of a local board elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.]

Presidents and vice-presidents of local boards.

[5][**12.** Every local board shall elect one of its members to be its president, and another member to be its vice-president.]

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[1] These words were substituted for the original by section 2 (ii) of the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935).

[2] These words were substituted for the original by section 2 (iii) *ibid.*

[3] These words were inserted by section 2 (iv) *ibid.*

[4] Sections 11 and 11-A were substituted for the original section 11 by section 9 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[5] Sections 12 and 12-A were substituted for the original section 12 by section 10 *ibid.*

[1] [**12-A**. If at an election held under section 12, no president or vice-president is elected, a fresh election shall be held.] Procedure when no president or vice-president is elected at an election.

[**13.** [2] Omitted.]

[**14.** [2] Omitted.]

15. [3] [(1) A president of a local board shall be deemed have vacated his office— Vacancy in office of president and vice-president.

(*a*) on the expiry of his term of office as a member of the local board, or on his otherwise ceasing to be such member, or

(*b*) on his election as president or vice-president of any other local board in the district.]

[3] [(2) A vice-president of a local board shall be deemed to have vacated his office—

(*a*) on the expiry of his term of office as a member of the board, or on his otherwise ceasing to be such member ; or

(*b*) on his election as president of the board or as president or vice-president of any other local board in the district.]

[3][(3)] An outgoing president or vice-president of a local board shall, if otherwise qualified, be eligible for re-election. [4][. . . .]

16. Any member of a local board other than the president and any vice-president may resign his office by giving notice to the president ; the president may resign by giving notice to the local board. [5] [Such resignation shall take effect in the case of a member or vice-president from the date on which it is received by the president and in the case of a president from the date on which it is placed before a meeting of the local board.] Resignation of members vice president and president.

17. When the office of president, vice-president or member of any local board becomes vacant or is about to become vacant, a new president, vice-president or member shall, in the absence of any direction to the contrary issued by authorities competent to do so under the provisions of this Act, be elected [6] [. . .] [7] [in the manner laid down in this Act.] [6][. . .]. Filling up of vacancies.

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[1] Sections 12 and 12-A were substituted for the original section 12 by section 10 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] Sections 13 and 14 were omitted by section 11 ibid.

[3] Sub-section (2) of section 15 was renumbered as sub-section (3) and for sub-section (1) new sub-sections (1) and (2) were substituted by section 12 (1) *ibid.*

[4] The words ' or re-appointment ' were omitted by section 12 (2) *ibid.*

[5] This sentence was added by section 13 *ibid.*

[6] The words ' or appointed ' were omitted by section 14 *ibid.*

[7] These words were substituted for the words ' in the same manner as his predecessor was elected ' by section 14 *ibid.*

[18. [1] Omitted.]

Elections and appointments to be notified.

19. The election or appointment of a president, vice-president, temporary president or member of a local board shall be notified in the prescribed manner.

No member to receive remuneration.

20. No member of a local board shall [2] [receive or be paid from the funds at the disposal of or under the control of such board any salary or other remuneration for services rendered by him in any capacity whatsoever].

Executive power vested in president.

21. (1) The resolutions of a local board shall be carried into effect by the president in whom the entire executive power of the board shall be vested.

(2) It shall not be lawful for the president to exercise any power [3] [which this Act expressly declares] shall be exercised by the local board.

Emergency powers of president.

22. The president of a local board may in cases of emergency direct the execution of any work or the doing of any act which requires the sanction of the local board 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 expenses of executing such work or doing such act shall be paid from the local fund:

Provided that

(*a*) he shall not act under this section in contravention of any order of the local board prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) he shall report the action taken under this section and the reasons therefor to the local board at its next meeting.

Exercise of president's functions during vacancy in office.

[4] [22-A. (1) When the office of president of a local board is vacant, the vice-president shall exercise the functions of the president until a new president assumes office.

(2) (*a*) When the office of president of a district board is vacant and there is either a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated the district collector shall convene a meeting for the election of a president and until a new president or vice-president is elected and assumes office or the vice-president returns to

[1] Section 18 was omitted by section 15 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words ' receive any salary or other remuneration from the funds at the disposal of or under the control of such board ' by section 16 *ibid.*

[3] These words were substituted for the words ' which by this Act it is expressly declared ' by section 17 *ibid.*

[4] This section was inserted by section 18 *ibid.*

jurisdiction or recovers from his incapacity, as the case may be, the district collector shall, notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, be ex-officio member and president of the district board.

(*b*) When the office of president of a [1][. . .] panchyat is vacant and there is either a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, [2][a member of the panchayat appointed by the president of the district board], shall convene a meeting for the election of a president and until a new president or vice-president is elected and assumes office or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be, the member so appointed shall exercise the functions of the president of the [1][. . .] panchayat.

(3) The meeting for the election of a president referred to in sub-section (2) shall be convened only after giving a notice to the members of not less than fifteen clear days in the case of district [3][. . .] boards and of not less than five clear days in the case of panchayats.

(4) The person appointed to exercise the functions of the president of a [4][. . .] panchayat under clause (*b*) of sub-section (2)shall, for the period during which he exercises such functions, be styled 'temporary president' of the [4][. . .] panchayat, [5][. . .].

Explanation.—A new president or vice-president shall be deemed to have assumed office on his being declared elected as such.]

Delegation and devolution of functions by president.

[6][**23.** (1) The president of a local board may, by an order in writing, delegate any of his functions to the vice-president :

Provided that he shall not delegate any functions which the board expressly forbids him to delegate.

(2) If the president of a local board has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions, except those of promoting, withholding promotion from, reducing, removing or dismissing any officer or servant of the board shall, during such absence or incapacity, devolve on the vice-president :

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[1] The words 'taluk board or' were omitted by section 8 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] These words were substituted for the words 'a member of the taluk board appointed by the president of the district board or a member of the panchayat appointed by the president of the taluk board as the case may be,' by section 8 (i) *ibid.*

[3] The words 'and taluk' were omitted by section 8 (ii) *ibid.*

[4] The words 'taluk board or' were omitted by section 8 (iii) *ibid.*

[5] The words 'as the case may be' were omitted by section 8 (iii) *ibid.*

[6] This section was substituted for the original sections 23 and 24 by section 19 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Provided that where the absence from jurisdiction of the president is within the Presidency of Madras and is on business connected with the board, the president's functions shall not, except to the extent, if any, to which functions have been delegated by him under sub-section (1), devolve on the vice-president.

(3) If the vice-president also has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, or if the office of vice-president is vacant, the president may, by an order in writing, delegate any of his functions to any member of the board who shall be styled president-delegate during the period of delegation :

Provided that

(i) when an order of delegation made under this sub-section is in force, no further order of delegation of any functions shall be made in favour of any other than the member in whose favour the order in force was made ;

(ii) no delegation under this sub-section shall be made for any period exceeding in the aggregate ninety days in any year without the special sanction of the board ; and

(iii) every order made under this sub-section shall be communicated to the board at its next meeting and when made by the president of a [1][. . .] panchayat shall also be communicated forthwith to the president of the district board [2][. . .]

(4) Subject to any restrictions that the local board may impose, the president of a local board may, by an order in writing, delegate any of his executive functions to any member, officer or servant of the board or to any officer of Government and in the case of the president of a [3][. . .] panchayat subject also to the consent of the president of the district board, to any officer or servant of the district board.]

[**24.** [4]Omitted.]

Exercise of delegated functions subject to president's control and revision.

25. The exercise or discharge of any [5][functions] delegated under [6][section 23] shall be subject to such restrictions, limitations and conditions as may be laid down by the president

[1] The words 'taluk board or' were omitted by section 9 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] The words 'or of the taluk board, as the case may be' were omitted by section 9 (i) *ibid.*

[3] The words 'taluk board or' were omitted by section 9 (ii) *ibid.*

[4] This section was omitted by section 19 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[5] This word was substituted for the word 'powers' by section 20 (i) *ibid.*

[6] The word and figures were substituted for the words and figures 'sections 23 and 24' by section 20 (i) *ibid.*

and shall also be subject to his control and revision. [1][The president shall also have power to control and revise the exercise or discharge of any functions devolving on the vice-president under sub-section (2) of section 23.]

Rights of individual members.

26. (1) Any member of a local board may call the attention of the president to any neglect in the execution of local board work, to any waste of local board property, or to the wants of any locality within the local board area, and may suggest any improvements which may appear desirable.

(2) Every member shall have the right to move resolutions and to interpellate the president on matters connected with the administration of the local board subject to such regulations as may be framed by the district board.

(3) Every member shall have access during office hours to the records of the local board after giving due notice to the president, provided that the president may, for reasons given in writing, forbid such access.

Power of local board to call for records

27. (1) A local board may require the president to produce any [2][. . .] document which is in his custody.

(2) The president shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the board or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the board, refer the question—

(*a*) to the Local Government, in the case of a dispute between the district board and its president, and

(*b*) to the president of the district board, in the case of disputes between a [3][[4](. . .) panchayat] and the president thereof ;

and the decision of the Local Government or the president of the district board, as the case may be, shall be final.

Constitution of standing committees for district boards.

[5][**27-A.** (1) In each district board, there shall be standing committees respectively for—

(i) Education,

(ii) Rural Development including control and supervision of panchayats,

(iii) Public Health, and

(iv) Works and Communications.

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[1] This sentence was added by section 20 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' record, correspondence, plan or other ' were omitted by section 21 (i) *ibid.*

[3] The words ' taluk board or panchayat ' were substituted for the words ' taluk or union board ' by section 21 (ii) *ibid.*

[4] The words ' taluk board or ' were omitted by section 10 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[5] This section was inserted by section 11 *ibid.*

for the purpose of exercising such of its powers, discharging such of its duties or performing such of its functions as may be specified by the Local Government.

(2) In addition to the four standing committees referred to in sub-section (1), a district board shall, if so required by the Local Government, constitute one or more standing committees for the purpose of exercising such of its powers, discharging such of its duties or performing such of its functions, as may be specified by the Local Government.

(3) (*a*) Each of the standing committees referred to in sub-sections (1) and (2) shall consist of such number of members as may be specified by the Local Government, of whom the president of the district board shall *ex officio* be one and the remaining members shall be elected by the members of the district board from among themselves and from among persons who are not members of the district board, in such proportion as the Local Government may direct :

Provided that the number of members of a committee who are not members of the district board shall not exceed one-third of the total number of members of the committee :

Provided further that in the case of the standing committee for rural development the members who are not members of the district board shall be elected from among the presidents of the panchayats in the district ;

(*b*) The members of a standing committee who are not members of the district board shall have the right to attend the meetings of the standing committee and take part in the discussions thereat but, except in the case of the standing committee for rural development, they shall not have the right to vote at such meetings.

(*c*) Each standing committee shall elect its own chairman from among its members who are members of the district board.

(4) No member of the district board other than the president shall be a member of more than two standing committees at the same time.

(5) Subject as aforesaid, provision may be made by rules under this Act for—

(i) the manner of election of members of a standing committee by the district board ;

(ii) the manner in which the chairman of the standing committee shall be elected ;

(iii) the term of office of the members and the chairman of the standing committee ;

(iv) the procedure of the standing committee ; and

(v) the powers of the district board to control and revise the exercise, discharge and performance of its powers, duties or functions by the standing committee.]

Constitution of committees of local boards.

[1][28. (1) (*a*) [2][Subject to the provisions of section 27-A a local board may] constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them.

(*b*) A local board may also appoint individual members or committees to enquire into and report or advise on any matters which it may refer to them.

(2) Save as otherwise expressly provided in this Act, the president of the local board shall, by virtue of his office, be a member and the chairman of every committee constituted under sub-section (1).

(3) It shall be lawful for a local board by a resolution supported by not less than one-half of its sanctioned strength to elect as members of any committee constituted under sub-section (1), any persons who are not members of the board but who may, in the opinion of the board, possess special qualifications or special interest for serving on such committee. But the number of such persons shall not exceed one-third of the total number of members of such committee.

[3][(4) Omitted.]

Application of Act to members of standing and other committees who are not members of the local board.

[4][29. All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members of the local board shall be applicable, so far as may be, to the members of any standing or other committee who are not members of the board.]

Appointment of joint committees.

[5][30. (1) A local board may, and if so required by the Local Government shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.

(2) A joint committee may include persons who are not members of the local authorities concerned but who may, in their opinion, possess special qualifications or special interest for serving on such committee :

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[1] This section was substituted for original sections 28 and 29 by section 22 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words, figures and letter were substituted for the words 'A local board may' by section 12 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] Sub-section (4) was omitted by section 12 (ii) *ibid.*

[4] This section was inserted by section 13 *ibid.*

[5] This section was substituted by section 23 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) The constitution of a joint committee shall be by means of regulations which shall not, except in the cases referred to in sub-sections (6) and (7), have effect unless assented to by each of the local authorities concerned.

(4) The regulations shall determine—

(*a*) the total number of members of the joint committee;

(*b*) the number who shall be members of the local authorities concerned and the number who may be outsiders ;

(*c*) the persons who shall be members of the joint committee or the manner in which they shall be elected or appointed ;

(*d*) the person who shall be chairman of the joint committee or the manner in which he shall be elected or appointed ;

(*e*) the term of office of members and chairman ;

(*f*) the powers, being powers exercisable by one or more of the local authorities concerned, which may be exercised by the joint committee ; and

(*g*) the procedure of the joint committee.

(5) Regulations made under sub-sections (3) and (4) may be varried or revoked provid d that all the local authorities concerned assent to such variation or revocation.

(6) If the Local Government take action under sub-section (1), they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (3) and (4).

(7) If any difference of opinion arises between local autho ities under any of the foregoing provisions of this section, it shall be referred to the Local Government, whose decision shall be final.]

Rules and regulations for proceedings of local boards and standing committees.

31. A local board shall observe the rules in Schedule II and may make [1][. . .] regulations, not inconsistent therewith, or with other provisions of this Act, or with any rules made by the Local Government, in regard to the following matters :—

(*a*) the time and place of its meetings ;

(*b*) the manner in which notice thereof shall be given ;

[2][(*c*) the preservation of order and the conduct of proceedings at meetings and the powers which the president may exercise for the purpose of enforcing his decisions on points of order ;]

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[1] The word 'supplementary' was omitted by section 24 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This clause was substituted by section 24 (ii) *ibid.*

(*d*) the division of duties among the members of the board ;

[1][(*e*) the constitution and procedure of committees [2](other than standing committees ;)]

[1][(*f*) the delegation of the powers, duties or functions of the board—

(i) to the president, a member, an officer or servant of the board, or an officer of Government, or

(ii) to a committee constituted under clause (*e*) or to its chairman or to any one or more of its members ;]

[1][(*g*)] the persons by whom receipts may be granted for money paid to the board ; and

[1][(*h*)] all other similar matters.

Presidency of local board meetings.

32. (1) Every meeting of a local board shall be presided over by the president ; in his absence by the vice-president if there is one ; where there is none, or in the absence of both the president and vice-president, by a member chosen by the meeting to preside for the occasion.

(2) The president shall preserve order and shall decide all points of order arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the president on any point of order shall, save as is otherwise expressly provided in this Act, be final.

(3) A vice-president or member presiding for the occasion shall, for that meeting [3][and during the period that he presides over it,] have all the powers of the president.

33. [4][Omitted.]

Member when to abstain from taking part in discussion and voting.

34. (1) No member of a local board [5][or] of a [6](standing or other committee thereof)] shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the [7][board or committee,] if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest [8][by himself or his partner.]

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[1] Clauses (*f*) and (*g*) were relettered as (*g*) and (*h*) respectively and these clauses were substituted for the original clause (*e*) by section 24 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were added by section 14 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] These words were inserted by section 25 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] This section was omitted by section 26 *ibid.*

[5] These words were inserted by section 27 (i) (*a*) *ibid.*

[6] These words were substituted for the words 'committee thereof' by section 15 (1) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[7] These words were substituted for words 'board or any committee' by section 27 (i) (*b*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[8] These words were added by section 27 (i) (*c*) *ibid.*

(2) The president [1][or chairman] may prohibit any member from voting or taking part in the discussion of any matter in which he believes [2] [such member] to have such interest, or he may require [2][such member] to absent himself during the discussion.

(3) [3][Such member] may challenge the decision of the president [4][or chairman], who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the president [5][or chairman] is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, the president [5][or chairman] may, if a motion to that effect be carried, be required to absent himself from the meeting during such discussion.

[6][(5) The member concerned shall not be entitled to vote on the question referred to in sub-section (3), and the president or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).]

[7][*Explanation.*—In this section 'president' includes a vice-president or member presiding for the occasion at a meeting of a local board and 'chairman' includes a member presiding for the occasion at a meeting of a [8](standing or other committee).]

Acts of local boards, etc., not to be invalidated by informality, etc.

[9][**35.** No act of a local board or of a [10](standing or other committee thereof) or of any person acting as president, vice-president, chairman or member of such board or committee shall be deemed to be invalid by reason only of a defect in the establishment of such board or committee, or on the ground that the president, vice-president, chairman or any member of such board or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or appointment, or by reason of such act having been done during the period of any vacancy in the office of president, vice-president, chairman or member of such board or committee.]

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[1] These words were inserted by section 27 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'such person' by section 27 (ii) *ibid.*

[3] These words were substituted for the words 'such person' by section 27 (iii) (*a*) *ibid.*

[4] These words were inserted by section 27 (iii) (*b*) *ibid.*

[5] These words were inserted by ection 27 (iv) *ibid.*

[6] This sub-section was inserted by section 27 (v) *ibid.*

[7] This explanation was substituted by section 27 (vi) *ibid.*

[8] These words were substituted for the word 'committee' by section 15 (2) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[9] This section was substituted by section 28 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[10] These words were substituted for the words 'committee thereof' by section 16 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

Submission of annual reports.

[1][**36.** (1) Every panchayat shall submit a report on its administration to the [2](district board).

[3][(2)] Every district board shall submit to the Local Government a consolidated report on the administration of itself and of all the [4][. . .] panchayats in the district.

[3][(3)] The reports shall relate to the financial year and shall be submitted, as soon as may be, after the first day of April following such year and not later than such date as may be fixed by the Local Government. They shall be in such form and shall contain such details as the Local Government may direct.

[3][(4)] The report which each local board has to submit shall be prepared by its president. The local board shall consider the report and submit it to the authority concerned with its resolutions thereon, if any.

[3][(5)] The reports and the resolutions thereon, if any, shall be published in such manner as the Local Government may direct.]

Inspecting and superintending officers of local boards.

[5][**37.** (1) The Local Government may appoint such officers as may be required for the purpose of inspecting or superintending the operations of all or any of the local boards established under this Act.

(2) The Local Government may assign to officers appointed under sub-section (1) such salary and establishment as they may think fit. The cost of such officers and their establishment shall be paid out of the revenues of the Local Government.]

Powers of entry of inspecting officers.

[5][**37-A.** Any officer or person whom the Local Government may empower in this behalf may enter on and inspect or cause to be entered on and inspected—

(*a*) any immovable property, or any work in progress, under the control of any local board or president ;

(*b*) any school, hospital, dispensary, vaccination station, choultry or other institution maintained by, or under the control of, any local board and any records, registers or other documents kept in such institution ; and

(*c*) the office of any local board and any records, registers or other documents kept therein.]

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[1] This section was substituted by section 29 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'taluk board' by section 17 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] Sub-section (2) was omitted and sub-sections (3) to (6) were renumbered as sub-sections (2) to (5) respectively by section 17 (ii) *ibid.*

[4] The words 'taluk boards and' were omitted by section 17 (iii) *ibid.*

[5] Sections 37 to 37-D were substituted for the original section 37 by section 30 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Access of inspecting officers to local board property, etc.

[1][**37-B.** Local boards and their presidents, officers and servants shall be bound to afford to the officers and persons referred to in sections 37 and 37-A such access, at all reasonable times, to local board property or premises, and to all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed, be necessary to enable them to discharge their duties under the said sections.]

Power to call for reports from local boards.

[1][**37-C.** The Local Government, or any officer or person whom the Local Government may empower in this behalf may—

(*a*) call for any record, register or other document in the possession or under the control of any local board or president ;

(*b*) require any local board or president to furnish any return, plan, estimate, statement, account or statistics ;

(*c*) require any local board or president to furnish any information or report on any matter connected with such board ; and

(*d*) record in writing for the consideration of any local board or president any observations they or he may think proper in regard to its or his proceedings or duties.]

Powers of control of presidents of district boards over panchayats.

[1][**37-D.** All the powers which may be conferred on any officer or person by the Local Government under sections 37-A and 37-C together with the right of access to property or premises and documents referred to in section 37-B may be exercised [2](by the president of the district board in the case of panchayats and their presidents).]

Power to suspend or cancel resolution, etc., under Act.

[3][**38.** (1) The Local Government may by order in writing—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted or

(ii) prohibit the doing of any act which is about to be done or is being done

in pursuance or under colour of this Act, if, in their opinion,

(*a*) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized, or

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[1] Sections 37 to 37-D were substituted for the original section 37 by section 30 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for clauses (*a*) and (*b*) of this section by section 18 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] This section was substituted for the original by section 31 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(*b*) such resolution, order, licence, permission or act, is in excess of the powers conferred by this Act or any other law, or

(*c*) the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray :

Provided that nothing in this sub-section shall enable the Local Government to set aside any election which has been held.

(2) The local Government shall, before taking action on any of the grounds referred to in clauses (*a*) and (*b*) of sub-section (1), give the authority or person concerned an opportunity for explanation.

(3) If, in the opinion of the district collector, immediate action is necessary on any of the grounds referred to in clause (*c*) of sub-section (1), he may suspend the resolution, order, licence, permission or act, as the case may be, and report to the Local Government who may thereupon either rescind the collector's order or, after giving the authority or person concerned a reasonable opportunity of explanation, direct that it continue in force with or without modification permanently or for such period as they think fit.]

Extraordinary powers of district collector.

39. (1) In cases of emergency the district collector may direct, or provide for, the execution of any work, or the doing of any act which a local board [1][or president] is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the local board.

(2) If the expense is not so paid, he may make an order directing the person having the custody of the local fund to pay it in priority to any other charge against such fund. Such person shall, so far as the funds to the credit of the local board admit, be bound to comply with such order.

(3) Every case in which the powers conferred by this section are exercised shall be forthwith reported to the Local Government by the district collector with the reasons in full for the exercise of such powers and a copy of the report shall at the same time be sent to the local board for information. The local board shall thereupon be entitled to address the Local Government on the contents of the district collector's report.

[1] These words were substituted for the words ' or the presidents ' by section 32 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

40. [1][Omitted.]

Local Government's power to take action in default of a local board or its president.

41. (1) If at any time it appears to the Local Government that a [2][local board] or its president has made default in performing any duty imposed by or under this or any other Act, they may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Local Government may appoint some person to perform it, and may direct that the expense of performing it shall be paid from the [3][local fund], within such time as they may fix, to such person by the [2][local board.]

(3) If expenses which the Local Government have directed under sub-section (2) to be paid from the [3][local fund] are not so paid, the district collector, with the previous sanction of the Local Government, may make an order directing the person having the custody of the [3][local fund] to pay it in priority to any other charge against such fund except charges for the service of authorized loans.

(4) Such person shall, so far as the funds to the credit of the [2][local board] admit, be bound to comply with such order.

Power of presidents of district boards to take action in default of panchayats and their presidents.

[4][**42.** The power conferred on the Local Government and the district collector under section 41 may be exercised in accordance with the provisions of that section [5][by the president of the district board in respect of panchayats or their presidents.

Provided that where there is difference of opinion between the Local Government and the president of the district [6](. . .) board, the opinion of the Local Government shall prevail.]

Power of Local Government to remove president or vice-president of local board.

[**43.** (1) The Local Government may, by notification, remove any president or vice-president of a local board who, in their opinion, wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful orders issued thereunder or abuses the powers vested in him.

(2) The Local Government shall, when they propose to take action under sub-section (1), give the president or vice-president concerned an opportunity for explanation and the

[1] The section was omitted by section 33 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'district board' by section 34 *ibid.*

[3] These words were substituted for the words 'district fund' by section 34 *ibid.*

[4] This section was substituted by section 35 *ibid.*

[5] These words were substituted for clauses (*a*) and (*b*) of this section by section 19 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[6] The words 'or taluk' were omitted by section 19 (ii) *ibid.*

[7] This section was substituted by section 36 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

notification issued under the said sub-section shall contain a statement of the reasons of the Local Government for the action taken.]

Motion of no-confidence in president or vice-president.

[1][**44.** (1) Subject to the provisions of this section, a motion expressing want of confidence in the president or in the vice-president of a district board [2](. . .) may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, in such form as may be fixed by the Local Government, signed by such number of members of the board as shall constitute not less than one-half of the sanctioned strength of the board, together with a copy of the motion which is proposed to be made shall be delivered by any two of the members signing the notice, in person together [3](to the District Collector).

(3) The District Collector [4](. . .) shall then convene a meeting for the consideration of the motion to be held at the office of the board at a time appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the members notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(4) The District Collector [5](. . .) shall preside at the meeting convened under this sub-section and no other person shall preside thereat. If within half an hour after the time appointed for the meeting, the District Collector [6](. . .) is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the Collector [5](. . .) under sub-section (5).

(5) If the Collector [7](. . .) finds that he will be unable to preside at the meeting, he may after recording his reasons in writing adjourn the meeting to such other time as he may appoint. The date so appointed by him shall not be later than thirty days from the date fixed for the meeting under sub-section (3). Notice of not less than ten clear days shall be given to the members of the time appointed for the adjourned meeting.

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[1] This section was substituted by section 2 of the Madras Local Boards (Second Amendment) Act, 1933 (Madras Act V of 1933).

[2] The words ' or of a taluk board ' were omitted by section 20 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] These words were substituted for clauses (*a*) and (*b*) of this section by section 20 (ii) *ibid.*

[4] The words ' or the Revenue Divisional Officer, as the case may be ' were omitted by section 20 (iii) *ibid.*

[5] The words ' or the Revenue Divisional Officer as the case may be ' were omitted by section 20 (iv) *ibid.*

[6] The words ' or the Revenue Divisional Officer ' were omitted by section 20 (iv) *ibid.*

[7] The words ' or the Revenue Divisional Officer as the case may be ' were omitted by section 20 (v) *ibid.*

(6) Save as provided in sub-sections (4) and (5) a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section has commenced, the presiding officer shall read to the board the motion for the consideration of which the meeting has been convened and declare it to be open for debate.

(8) No debate on any motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours as the case may be the motion shall be put to the vote of the board.

(10) The presiding officer shall not speak on the merits of the motion nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the presiding officer to the Local Government.

(12) If the motion is carried with the support of not less than three-fifths of the sanctioned strength of the board, the Local Government shall, by notification, remove the president or vice-president as the case may be.

(13) If the motion is not carried by such a majority as aforesaid or if the meeting could not be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same president or vice-president shall be received until after the expiry of six months from the date of the meeting.

(14) No notice of a motion under this section shall be received within six months of the assumption of office by a president or vice-president as the case may be.]

Dissolution and reconstitution of local board.

45. [1][(1) If, in the opinion of the Local Government, a local board is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers, they may, by notification published in the prescribed manner, direct that the board be dissolved and immediately reconstituted. The notification shall specify the time within which the board shall be reconstituted :

Provided that, for the purpose of completing the elections to a local board which has been dissolved, the Local Government may, in their discretion, from time to time, extend the time fixed by them under this sub-section for its reconstitution.]

[1] Sub-sections (1) and (1-A) were substituted for the original sub-section (1) by section 37 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[1][(1-A) Before publishing a notification under sub-section (1), the Local Government shall communicate to the local board concerned [2](and to the district board in the case of a panchayat) the grounds on which they propose to do so, fix a reasonable period for the board or boards to show cause against the proposal and consider the explanations and objections, if any, of such board or boards.]

(2) Upon the publication of such a notification, [3][all the members of the local board including its president and vice-president] shall forthwith [4][be deemed to have vacated] their offices as such and [5][fresh elections shall be held] in accordance with the provisions of this Act.

[6][(2-A) The term of office of the elected members of the reconstituted local board or of the members elected in their places at casual vacancies shall [7][expire in such year and on such date therein as the Local Government may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any local board in the same district. The date so fixed shall not be later than the thirty-first day of December.]

(3) During any interval between the dissolution and the reconstitution of a local board directed under sub-section (1), all or any of the powers and duties of the local board and its president may be exercised and [8][discharged], as far as may be and to such extent as the Local Government may determine, [9][by such person or persons] as the Local Government appoint in that behalf, and any such person who is not a district collector or revenue divisional officer may, if the Local Government so direct, receive payment for his services from the local fund.

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[1] *See* footnote to sub-section (1).

[2] These words were substituted for the words ' and to the district board in the case of a taluk board and to the district and taluk boards in the case of a panchayat ' by section 21 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] These words were substituted for the words ' all members of the local board ' by section 37 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] These words were substituted for the word ' vacate ' by section 37 (ii) *ibid.*

[5] These words were substituted for the words ' fresh appointments shall be made and elections held ' by section 37 (ii) *ibid.*

[6] This sub-section was inserted by section 37 (iii) *ibid.*

[7] These words were substituted by section 3 of the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935).

[8] This word was substituted for the word ' performed ' by section 37 (iv) *ibid.*

[9] These words were substituted for the words ' by such persons ' by section 37 (iv) *ibid.*

Supersession of panchayats.

[1][**45-A.** (1) For all or any of the reasons specified in sub-section (1) of section 45, the Local Government may, by notification published in the prescribed manner, instead of dissolving a panchayat and reconstituting it, supersede it for a specified period not exceeding one year :

Provided that the Local Government shall not supersede a portion only of the panchayat.

(2) Before publishing a notification under sub-section (1), the Local Government shall follow the procedure laid down in sub-section (1-A) of section 45.

(3) The supersession of a panchayat shall, if no other date and time are fixed in the said notification, take effect from noon on the date of publication thereof and thereupon all the members of the panchayat, including its president and vice-president, shall forthwith be deemed to have vacated their offices.

(4) On or before the expiry of the period of supersession notified under sub-section (1), the Local Government may, by notification published in the prescribed manner and for reasons to be stated therein, postpone the reconstitution of the panchayat for a further period not exceeding six months or, notwithstanding anything contained in this Act, exclude the area of the panchayat from the operation of this Act or cancel the notification issued under section 5 declaring such area to be a village.

(5) The provisions of sub-section (3) of section 45 shall apply, so far as may be, in regard to the exercise and discharge, during the period of supersession of a panchayat under sub-section (1) or (4), of all or any of the powers and duties of the panchayat and its president.

(6) The Local Government may reconstitute the panchayat before the exipry of the period notified under sub-section (1) or (4).

(7) The term of office of the elected members of the reconstituted panchayat, or of the members elected in their places at casual vacancies, shall [2][expire in such year and on such date therein as the Local Government may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any local board in the same district. The date so fixed shall not be later than the thirty-first day of December.]

Devolution of assets and liabilities of dissolved local board or superseded panchayat.

[3][**45-B.** When a local board is dissolved under section 45 or a panchayat is superseded under sestion 45-A, the Local Government, until the date of the reconstitution thereof and

[1] This section was inserted by section 38 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted by section 4 of the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935).

[3] This section was inserted by section 38 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

the reconstituted board or panchayat thereafter shall be entitled to all the assets and be subject to all the liabilities of the board or panchayat as on the date of dissolution or supersession and on the date of the reconstitution respectively.]

Powers of officers acting for or in default of local board and liability of local fund.

46. (1) When the district collector or person appointed by the Local Government lawfully takes action on behalf, or in default, of a local board under this Act, he shall have [1][all such powers] as are necessary for the purpose, and shall be entitled to the same protection under this Act as the local board [2][or] its officers or servants whose powers he is exercising, and compensation shall be recoverable from the local fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such local board, [2][or] its officers or servants.

(2) A district [3][. . .] board president taking action under section 42, or any person appointed by him, shall be entitled to exercise the [4][powers] and to claim the protection referred to in sub-section (1).

CHAPTER IV.—ELECTION AND APPOINTMENT OF MEMBERS OF LOCAL BOARDS.

Election of members of district board.

[5][**47.** (1) For the purpose of election of members to a district board, the Local Government after consulting the district board shall, by notification,—

(*a*) divide the district into circles ;

(*b*) determine the circles in which the seats, if any, reserved under sub-section (1) of section 9 shall be set apart ; and

(*c*) declare for whom such seats are reserved.

(2) The circles referred to in clause (*b*) of sub-section (1) shall return, in addition to members for such reserved seats, one or more members for non-reserved seats. The number of such members shall be notified by the Local Government. All other circles shall be entitled to elect only one member.

(3) All the electors of a circle, irrespective of their community or sex, shall be entitled to vote at an election to any seat in that circle, whether reserved or not.

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[1] These words were substituted for the words ' power to make such contracts ' by section 39 (i) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This word was inserted by section 39 (i) (*b*) *ibid.*

[3] The words ' or taluk ' were omitted by section 22 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[4] This word was substituted for the word ' power ' by section 39 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[5] This section was substituted by section 40 *ibid.*

(4) When issuing under sub-section (1) a notification which materially alters the existing division of a district into circles, the Local Government shall direct that the alteration shall take effect from the date of the next ordinary elections.

(5) When the number of members to be returned by a circle is altered or when a new circle is formed, or when an existing circle is abolished, the prescribed authority shall, with the approval of the Local Government, determine—

(*a*) the circle which each member then on the district board shall be deemed to represent ; and

(*b*) the circle or circles in which elections shall be held to fill up the vacancies, if any, in the district board.]

48. [1][Omitted.]

Election of members of panchayat.

[2][**49.** (1) For the purposes of election of members to a panchayat, the Local Government after consulting the panchayat may, by notification published in the prescribed manner—

(*a*) divide the village into wards ; [3](. . .)

[4][(*b*) determine the wards in which the seats, if any, reserved under [5][(sub-section (2)] of section 9 shall be set apart ; and]

[4][(*c*) declare for whom such seats are reserved.]

(2) The wards referred to in clause (*b*) of sub-section (1) shall return, in addition to members for such reserve seats, one or more members for non-reserved seats. The number of such members shall be notified in the prescribed manner by the Local Government. All other wards shall be entitled to elect only one member.

(3) All the electors of a ward, irrespective of their community or sex, shall be entitled to vote at an election to any seat in that ward whether reserved or not.

(4) When issuing under sub-section (1) a notification which materially alters the existing division of a village into wards, the Local Government shall direct that the alteration shall take effect from the date of the next ordinary elections.

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[1] This section was omitted by section 23 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] This section was substituted by section 42 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[3] The word ' and ' was omitted by section 3 (i) of the Madras Local Boards (Amendment) Act, 1933 (Madras Act XIV of 1933).

[4] These clauses were substituted for the original clause (*b*) by section 3 (ii) *ibid.*

[5] This word and figure were substituted for the word and figure ' sub-section (3) ' by section 24 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

(5) When the number of members to be returned by a ward is altered or when a new ward is formed, or when an existing ward is abolished, the prescribed authority shall, with the approval of the Local Government, determine—

(*a*) the ward which each member then on the panchayat shall be deemed to represent ; and

(*b*) the ward or wards in which elections shall be held to fill up the vacancies, if any, in the panchayat.]

[**50.** [1] Omitted.]

51. [2][(1) An electoral roll for every local board showing the names of persons qualified to vote therein shall be prepared and published by the authority and in the manner prescribed, before the [3][end of September] of the year in which the ordinary vacancies are to occur.] Publication of electoral roll.

[4][Omitted.]

[5][Provided that the Local Government may for sufficient cause direct that the time for the preparation and publication of the electoral roll for any local board be extended by a period not exceeding one month].

[6][(3) The electoral roll for a district [7](. . .) board shall be divided into separate parts for each circle and when a village has been divided into wards, the electoral roll for the panchayat shall be divided into separate parts for each ward.]

(4) The electoral roll published in any year [8][* * * * * * *] shall remain in force till the publication of a fresh electoral roll [8][under sub-section (1)]

[2][(5)] Every person whose name appears in the [9][electoral roll [10]] shall, so long as it remains in force, be entitled to vote at an election ; and no person whose name does not appear in such roll shall vote at an election.

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[1] This section was omitted by section 43 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] Sub-section (2) was renumbered as sub-section (5) and these sub-sections were substituted for the original sub-section (1) by section 44 (i) *ibid.*

[3] These words were substituted by section 5 of the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935).

[4] Sub-section 2 was omitted by section 5 (iii) *ibid.*

[5] The proviso was added by section 5 *ibid.*

[6] This sub-section was substituted by section 44 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[7] The words ' or taluk ' were omitted by section 25 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[8] These words inserted by section 44 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930) were omitted and words added by section 5 (iv) (*a*) (*b*) by Madras Act XIII of 1935).

[9] These words were substituted for the words ' final electoral roll published under this section ' by section 44 (iv) *ibid.*

[10] These words were omitted by section 5 (v) of the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935).

General qualifications for registration.

52. No person shall be included in the electoral roll [1][of a local board] as qualified to vote unless—

(*a*) he is a British subject or a subject of a State in India :

Provided that the Local Government may exclude from the scope of this restriction [2][any alien] 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 ;

[3][(*c*) he possesses one or more of the qualifications described in Schedule III ;

(*d*) in the case of a district [4](. . .) board, he has resided for one hundred and twenty days in the aggregate in such preceding year in the district [4](. . .) or in a municipality (including the City of Madras) or cantonment, situated within three miles of the district [4](. . .).

Provided that in the case of persons whose sole residential qualification consists in their residence in any such municipality or cantonment, their being assessed to a tax payable to a municipal or cantonment authority shall not be deemed to be a qualification within the meaning of this clause ; and

(*e*) in the case of a panchayat, he has resided in the village for one hundred and twenty days in the aggregate in such preceding year.]

Disqualifications of voters.

[5][**53.** Notwithstanding anything contained in sub-section (5) of section 51, a person who is of unsound mind, a deaf-mute or a leper, shall not be entitled to vote at any election to a local board.]

Qualifications for election.

[6][**54.** (1) No person shall be qualified for election to any seat on a local board, unless the name of such person appears on the electoral roll of that board.

(2) No officer of Government other than a village headman shall be qualified for election or for holding office as a member of a local board :

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[1] These words were inserted by section 45 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words ' any aliens ' by section 45 (ii) *ibid.*

[3] Clauses (*c*), (*d*) and (*e*) were substituted for clauses (*c*), (*d*) and (*e*) by section 45 (iii) *ibid.*

[4] The words ' or taluk ' were omitted by section 26 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[5] This section was substituted by section 46 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[6] This section was substituted by section 47 *ibid.*

Provided that this prohibition shall not apply to the holder of any office which does not involve both of the following incidents, namely, that the incumbent

(*a*) is a whole-time servant of the Government, and

(*b*) is remunerated either by salary or fees :

Provided further that if any question arises either before or after an election whether any person is or is not disqualified under this sub-section, the question shall be referred to the Local Government whose decision shall be final.]

Disqualifications of candidates for election.

55. (1) A person who has been sentenced by a criminal court to transportation, or to imprisonment for a period of more than six months [1][for any offence other than an offence of a political character or an offence not involving moral delinquency] (such sentence not having been reversed or the offence pardoned), shall be disqualified for election [2][. . .] as a member of a local board while undergoing the sentence and for five years from the date of [3][the expiration of the sentence.]

(2) A person shall be disqualified for [4][election] as a member of a local board if such person is at the date of [5][nomination or election]—

[6][(*a*)] of unsound mind, a deaf-mute or a leper ;

[6][(*b*)] [7][an applicant to be adjudicated a bankrupt or insolvent or] an uncertificated bankrupt or undischarged insolvent ;

[6][(*c*)] interested in a subsisting contract made with, or any work being done for the local board, except as a shareholder (other than a director) in [8][a company :]

[9][Provided that a person shall not be deemed to have any interest in [10][such contract or work] by reason only of his having a share or interest in—

(i) any lease, sale or purchase of immovable property or any agreement for the same ; or

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[1] These words were inserted by section 48 (i) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' or appointment ' were omitted by section 48 (i) (*b*) *ibid.*

[3] These words were substituted for the words ' expiration of the sentence ' by section 48 (i) (*c*) *ibid.*

[4] This word was substituted for the words ' election or appointment ' by section 48 (ii) (*a*) *ibid.*

[5] These words were substituted for the words ' nomination, election or appointment ' by section 48 (ii) (*a*) *ibid.*

[6] Clauses (i) to (vi) were relettered as clauses (*a*) to (*f*) respectively by section 48 (ii) (*b*) *ibid.*

[7] These words were inserted by section 48 (ii) (*c*) *ibid.*

[8] These words were substituted for the words ' an incorporated company ' by section 48 (ii) (*d*) *ibid.*

[9] The proviso to sub-section (2) was inserted as a proviso to clause (*c*) as relettered by section 48 (ii) (*e*) *ibid.*

[10] These words were substituted for the words ' such a contract or work as aforesaid ' by section 48 (ii) (*e*) *ibid.*

(ii) any agreement for the loan of money or any security for the payment of money only; or

(iii) any newspaper in which any advertisement relating to the affairs of the local board is inserted; or

(iv) the sale to the local board of any articles in which he regularly trades, or the purchase from the local board of any articles, to a value in either case not exceeding fifteen hundred rupees in the aggregate in any year during the period of the contract or work;]

[1] [(*cc*) employed as paid legal practitioner on behalf of the local board or as legal practitioner against the local board.]

[2] [(*d*)] an officer or servant holding office under this Act or an honorary magistrate [3] [with jurisdiction over any part of the area of the local board;]

[2] [(*e*)] already a member of the local board whose term of office will not expire before his fresh election [4] [. . .] can take effect [5] [or has already been elected a member of the local board whose term of office has not yet commenced;] or

[2] [(*f*)] [6] [the servant or employer or the official subordinate or official superior of a member holding office at the said date.]

(3) Notwithstanding anything contained in sub-section (1), the Local Government may direct that such sentence shall not operate as a disqualification.

Disqualifications of members.

56. (1) Subject to the provisions of section 57, a member of a local board shall cease to hold his office, if he—

(*a*) is sentenced by a [7] [criminal] court to such punishment [8] [and for such offence] as is described in sub-section (1) of section 55;

(*b*) becomes of unsound mind, a deaf-mute, or a leper;

(*c*) applies to be adjudicated, or is adjudicated, a bankrupt or insolvent;

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[1] This clause was inserted by section 48 (ii) (*f*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] Clauses (i) to (vi) were relettered as clauses (*a*) to (*f*) respectively by section 48 (ii) (*b*) *ibid.*

[3] These words were substituted for the words 'for the local area over which the local board concerned has jurisdiction' by section 48 (ii) (*g*) *ibid.*

[4] The words 'or appointment' were omitted by section 48 (ii) (*h*) *ibid.*

[5] These words were inserted by section 48 (ii) (*h*) *ibid.*

[6] This clause was substituted for clause (*f*) as relettered by section 48 (ii) (*i*) *ibid.*

[7] This word was inserted by section 49 (i) (*a*) *ibid.*

[8] These words were inserted by section 49 (i) (*a*) *ibid.*

(*d*) subject to the proviso to [clause (*c*) of sub-section (2) of section 55,] acquires any interest in any subsisting contract made with, or work being done for, the local board except as a shareholder (other than a director) in [2] [a company ;]

[3] [. . .]

[4] [(*dd*) is employed as paid legal practitioner on behalf of the local board, or accepts employment as legal practitioner against the local board ;]

[5] [(*e*) is appointed as an officer or servant under this Act or as an honorary magistrate with jurisdiction over any part of the area of the local board ;]

(*f*) accepts employment under [6] [or becomes the official subordinate of] any other member ;

[7] [(*g*) ceases to reside—

(i) in the case of a member of a district [8] (. . .) board in the district [8] (. . .) [9] (. . .) or in a municipality (including the City of Madras) or a cantonment situated within three miles of the district [8] [. . .] and

(ii) in the case of a member of a panchayat, in the village ; or]

[10] [(*h*) absents himself from the meetings of the local board for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under sub-section (4), as the case may be or if within the said period, less than two meetings have been held, absents himself from two consecutive meetings held after the said date ;

Provided that no meeting from which a member absents himself shall be counted against him under this clause, if due notice of that meeting was not given to him.

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[1] These words, figures and letter were substituted for the words and figures 'section 55, sub-section (2)' by section 49 (1) (*b*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'an incorporated company' by section 49 (i) (*b*) *ibid.*

[3] The words 'or is employed as paid legal practitioner on behalf of the local board or accepts employment as legal practitioner against the local board' were omitted by section 49 (i) (*b*) *ibid.*

[4] This clause was inserted by section 49 (i) (*c*) *ibid.*

[5] This clause was substituted by section 49 (i) (*d*) *ibid.*

[6] These words were inserted by section 49 (i) (*e*) *ibid.*

[7] This clause was substituted by section 49 (i) (*f*) *ibid.*

[8] The words 'or taluk' were omitted by section 27 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[9] The words 'as the case may be' were omitted by section 27 *ibid.*

[10] Clause (*h*) and the explanation thereto were substituted by section 2 of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

Explanation.—A meeting held under sub-rule (2) of rule 3 of Schedule II or rule 4 of that Schedule shall not be deemed to be a meeting within the meaning of this clause.]

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1), the Local Government may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be a member under clause (*a*) of sub-section (1) [1][or under section 59,] he shall be restored to office for such portion of the period for which he was elected [2][. . .] as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision, or the disqualification caused by the sentence is removed by an order of the Local Government. And any person elected [2][. . .] to fill the vacancy in the interim shall, on such restoration, [3][vacate office.]

[4][(4) Where a person ceases to be a member under clause (*h*) of sub-section (1), the president shall at once intimate the fact in writing to such person and report the same to the board at its next meeting. If such person applies for restoration *suo motu* to the board on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the board may at the meeting next after the receipt of such application restore him to his office of member :

Provided that a member shall not be so restored more than twice during his term of office.]

District Judge to decide questions of disqualification of members.

57. (1) Whenever it is alleged that any person who has been elected [5][. . .] as member of a local board is disqualified under [6][sub-section (1) of section 54, section 55, section 56 or section 59] and such person does not admit the allegation, or whenever any member is himself in doubt whether or not he has become disqualified for office [7][under section 56 or section 59,] such member or any other member may, and the president at the request of the local board shall, apply to the district judge of the district in which the area of the local board is situated.

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[1] These words and figures were inserted by section 49 (ii) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' or appointed ' were omitted by section 49 (ii) (*b*) *ibid.*

[3] These words were substituted for the words ' vacate the office ' by section 49 (ii) (*c*) *ibid.*

[4] This sub-section was substituted by section 49 (iii) *ibid.*

[5] The words ' or appointed ' were omitted by section 50 (i) (*a*) *ibid.*

[6] These words and figures were substituted for the words and figures ' under section 55 or section 56 ' by section 50 (i) (*b*) *ibid.*

[7] These words and figures were inserted by section 50 (i) (*c*) *ibid.*

(2) The said Judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under [1] [sub-section (1) of section 54, section 55, section 56 or section 59,] and his decision shall be final.

[2] [(3) Pending such decision, the member shall be entitled to act as if he were not disqualified.]

Infringement of secrecy of election.

58. 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 for a term which may extend to six months or with fine or with both.

Person convicted of election offences disqualified for voting and for being elected.

59. Every person convicted of an offence punishable under section 58 or under chapter IX-A of the Indian Penal Code shall be disqualified from voting or from being elected in any election to which this act applies or from holding the office of member of a local board for a period of five years from the date of his conviction [3] [or for such shorter period as the court may by order determine.]

[4] [. . .]

Chapter V.—Powers of Local Boards in respect of Property and Establishment.

Property.

Vesting of public roads and their appurtenances in local boards.

60. [5] [(1) All public roads in any district shall vest in—

(*a*) the district board, if they are classed as district roads, [6] (and)

[7] [(*b*)] the panchayat concerned, if they are not classed [8] (as district roads).]

(2) All pavements, stones and other materials of a public road and all [9] [works,] materials and other things provided for such a road, all sewers, drains, drainage works, tunnels

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[1] These words and figures were substituted for the words and figures 'section 55 or section 56' by section 50 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930)

[2] This sub-section was substituted by section 50 (iii) *ibid.*

[3] These words were inserted by section 51 (i) *ibid.*

[4] The proviso to the section was omitted by section 51 (ii) *ibid.*

[5] This sub-section was substituted by section 52 (i) *ibid.*

[6] The word 'and' was added by section 28 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[7] Clause (*b*) was omitted and original clause (*c*) was relettered clause (*b*) by section 28 (ii) *ibid.*

[8] These words were substituted for the words 'either as district or as taluk roads' by section 28 (iii) *ibid.*

[9] This word was substituted for the word 'erections' by section 52 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

and culverts, whether made at the cost of the local fund or otherwise, in, alongside or under any public road, and all works, materials and things appertaining thereto, shall vest in the local board in which the public road vests.

(3) The Local Government may by notification exclude from the operation of this Act any such public road, sewer, drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

Collected sewage, etc., to belong to local boards.

61. All rubbish, sewage, filth and other matter collected by a local board under this Act shall belong to such local board.

Transfer of immovable property from one local board to another.

62. The district board may, subject to such control as may be prescribed, by notification, declare that any immovable property vested in a local board shall vest in any other local board in the same district, and such property shall, from the date specified in the said notification, vest accordingly.

Power to transfer to local boards charitable endowments under Madras Regulation VII of 1817 and resumed charitable inams.

63. (1) Subject to the control of the Local Government, the Board of Revenue may, by notification, with the consent of a local board, make over to [1][the local board] the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the Madras Endowments and Escheats Regulation, 1817; and thereupon all powers and duties which attach to the Board of Revenue in respect thereof shall attach to [1][the local board] as if it had been specially named in the said regulation, and the local board shall manage [2][and superintend] such endowment.

(2) The Local Government or such other authority as they may empower in this behalf may, with the consent of a local board, assign to such local board a charitable inam resumed by them or [3][by any other authority,] provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such local board may be applied.

Limitation of power to accept property in trust.

64. A local board may accept trusts relating exclusively to the furtherance of [4][any purpose] to which its funds may be applied.

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[1] These words were substituted for the words 'such local board' by section 53 (i) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were inserted by section 53 (i) (*b*) *ibid.*

[3] These words were substituted for the words 'the authority referred to above by section 53 (ii) *ibid.*

[4] These words were substituted for the words 'the purposes' by section 54 *ibid.*

[1] [**65.** Subject to such rules as may be made by the Local Government, a district [2](. . .) board or the president of a district [2](. . .) board or a collector, or any private person or body of persons may, with the consent of a panchayat, make over to that panchayat, subject to such conditions as may be agreed upon, the management of any institution or the execution or maintenance of any work or the exercise of any power or the performance of any duty within or without the area over which the panchayat has jurisdiction.] Transfer of institutions, works, etc., to panchayat.

[1][**65-A.** The Local Government may, subject to such conditions and the payment of such contribution, if any, by the panchayat as they may prescribe, transfer to any panchayat the management, protection and maintenance of village forests, whether reserved for fuel and fodder or for other purposes.] Transfer of village forests to panchayats.

[**65-B.** The Local Government may, subject to such conditions as they may prescribe, transfer to any panchayat the protection and maintenance of any village irrigation work, the management of turns of irrigation, the enforcement of kudimaramat, or the regulation of the distribution of water from any irrigation work to the fields depending on it.] Transfer of functions in respect of irrigation works to panchayats.

[1][**65-C.** The Local Government may, with the consent of a local board, make over to the local board, subject to such conditions as may be agreed upon, the management of any institution or the execution or maintenance of any work or the exercise of any power or the performance of any duty, not provided for in this Act.] Government's power to add to functions of local boards.

66. Any immovable property which any local board 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 local board. Immovable property required by local boards may be acquired under the Land Acquisition Act, 1894.

Establishment.

[3] [**67.** (1) The sanction of the local board shall be obtained for all proposals for fixing or altering the number, designations and grades of its officers and servants and the salaries, fees and allowances payable to them. Officers and servants of local board.

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[1] Sections 65 to 65-C were substituted for the original section 65 by section 55 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' or taluk ' were omitted by section 29 of the Madras Local Boards and Elementary Education (Amendment) Act, 1931 (Madras Act II of 1934).

[3] This section was substituted by section 56 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(2) Such proposals shall be taken into consideration by the local board only at the instance of its president and the local board may sanction them with or without modifications :

Provided that no proposal adversely affecting any officer or servant of the local board who has been in the permanent service of the local board for more than five years and is drawing a salary of not less than fifty rupees per mensem shall be considered except at a special meeting convened for the purpose and no such proposal shall be given effect to, unless assented to by at least one-half of the members then on the board.]

[1] [(3) Notwithstanding anything contained in sub-sections (1) and (2), the Local Government shall have power to fix or alter the number, designations and grades of, and the salaries, fees and allowances payable to, the officers and servants of any local board or any class of such officers and servants ; and it shall not be open to the local board to vary the number, designations, grades, salaries, fees or allowances as so fixed or altered, except with the previous sanction of the Local Government.]

The district engineer, health officer and panchayat officer.

[2] [68. (1) Every district board shall, if so required by the Local Government, sanction a post of district engineer, a post of district health officer and a post of district panchayat officer.

(2) The salaries of these officers shall be fixed by the district board subject to the approval of the Local Government.

(3) Every such officer shall devote his whole time to the duties of his office and shall not engage in any other profession, trade or business.

[3] (Provided that nothing contained in this sub-section shall be deemed to prevent the appointment of the same person as district engineer, district health officer or district panchayat officer of two or more district boards.)

(4) No such officer shall be removed from office except with the consent of the Local Government. Such consent shall be given if the removal is recommended by a resolution of the district board passed at a meeting called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strength of the board [4] [or in the case of an officer appointed for two or more district boards, if the removal is recommended by a resolution of each of the district

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[1] This sub-section was added by section 30 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] This section was substituted by section 57 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[3] This proviso was added by section 31 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[4] These words were inserted by section 31 (ii) *ibid.*

boards, passed at a meeting called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strength thereof].

Filling up of the above appointments.

69. (1) On the occurrence of a vacancy in, or after the creation of, an office of district engineer, [1][district health officer or district panchayat officer,] an appointment shall be made thereto by the president of the district board, subject to the approval of the Local Government, within four months from the date on which the vacancy occurred or the office was created, or, in the event of any appointment so made by the president of the district board not being confirmed by the Local Government, within thirty days of the date of the receipt by the president of the district board of the orders of the Local Government.

(2) In default of an appointment being made by the president of the district board as aforesaid, the Local Government may appoint a person to hold the office and such appointment shall, for all purposes, be deemed to have been made by the president of the district board.

(3) Pending the settlement of an appointment under sub-section (1) or (2), the president of the district board may appoint a person to hold the office temporarily and may direct that the person so appointed shall receive such salary not exceeding the sanctioned salary of the post as he shall think fit.

Appointment of educational officer or other agency for management of elementary schools, etc.

[2][**69-A.** The Local Government may require a district board to appoint an educational officer or to provide such other agency as the Local Government may think fit for the management and supervision of elementary schools maintained by the district board or for performing such other functions relating to education in the district as may be prescribed.]

Power to appoint the same person to serve two or more panchayats.

[2][**69-B.** Two or more panchayats may, and if so required by the Local Government shall, appoint the same person to exercise or discharge any powers or duties of a similar nature for both or all of them.]

Filling up of appointments other than those of district engineer, health officer and panchayat officer.

[3][**70.** Excepting the district engineer, the district health officer and the district panchayat officer all officers and servants of a local board shall be appointed by the president in

[1] These words were substituted for the words ' or district health officer ' by section 58 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These sections were inserted by section 32 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] This section was substituted by section 59 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

accordance with [1][any rules (including rules for the representation of different communities) which the Local Government may have made in this behalf].

Provided that in case of emergency—

(*a*) the president may appoint temporarily such officers or servants as may in his opinion be required for the purposes of this Act and the employment of whom for any particular work has not been prohibited by any resolution of the local board; and

(*b*) every appointment made under clause (*a*) shall be reported by the president to the local board at its next meeting.]

Power of Local Government to transfer officers and servants of local boards.

[2][**70-A.** (1) Notwithstanding anything contained in this Act, or in the Madras District Municipalities Act, 1920, the Local Government shall have power to transfer any officer or servant of a local board to the service of any other local board or of any municipality constituted under the Madras District Municipalities Act, 1920 :

Madras Act V of 1920.

Madras Act V of 1920.

Provided that such power shall be exercised after consulting the local bodies concerned.

(2) The Local Government shall have power to issue such general or special directions as they may think necessary for the purpose of giving due effect to transfers made under sub-section (1).]

Power of district board to frame service regulations.

71. (1) Subject to the [3][provisions of this Act and of any rules which the Local Government may make] in this behalf, the district board may frame regulations in respect of officers and servants [4][on its staff and on the staff of all [5](. . .) panchayats in the district—]

[6][(*a*)] fixing the grades and scales of salaries, fees and allowances ;]

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[1] These words and brackets were substituted for the words 'any rules which the Local Government may have made in this behalf' by section 33 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] Section 70-A was inserted by section 3 of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

[3] These words were substituted for the words and figures 'provisions of sections 68 and 78 and any rules made by the Local Government' by section 60 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] These words were substituted for the words 'on the staff of all local boards in the district' by section 60 (i) *ibid.*

[5] The words 'taluk boards and' were omitted by section 34 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[6] The original clauses (*a*) to (*h*) were relettered as clauses (*b*) to (*i*) respectively and clause (*a*) was inserted by section 60 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[1][(*b*)] fixing the amount and nature of the security to be furnished ;

[1][(*c*)] laying down educational or other qualifications.

[1][(*d*)] regulating the grant of leave, leave allowances, [2][acting allowances and travelling allowances ;]

[1][(*e*)] regulating the grant of pensions and gratuities ;

[1][(*f*)] fixing the rates at which and the conditions under which [3][pensionary contributions shall be paid ;]

[1][(*g*)] establishing and maintaining provident funds and making contribution thereto compulsory ;

[1][(*h*)] regulating conduct ; and

[1][(*i*)] generally laying down conditions of service :

Provided that

(i) the amount of any leave, [4][leave allowances, travelling allowances, pension or gratuity provided for in such regulations] shall in no case, without the special sanction of the Local Government, exceed what would be admissible in the case of Government servants of similar standing and status ; and

(ii) 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 in force for such Government servants.

(2) Such regulations shall be binding on all local boards in the district.

Power to punish local board officers or servants.

72. Subject to the provisions of section 74 and to such control as may be prescribed, the president of a local board may [5][censure, fine, withhold promotion from,] reduce, suspend, remove or dismiss any officer or servant of the local board [6][in its service,] except the district engineer, [7][the district health officer or the district panchayat officer,] for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.

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[1] The original clauses (*a*) to (*h*) were relettered as clauses (*b*) to (*i*) respectively by section 60 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'and acting allowances' by section 60 (iii) *ibid.*

[3] These words were substituted for the words 'contributions towards pensions may be paid' by section 60 (iv) *ibid.*

[4] These words were substituted for the words 'and leave allowances, gratuity or pension granted under these regulations' by section 60 (v) *ibid.*

[5] These words were substituted for the word 'fine' by section 61 (i) *ibid.*

[6] These words were inserted by section 61 (ii) *ibid.*

[7] These words were substituted for the words 'or the district health officer' by section 61 (iii) *ibid.*

Power to grant leave to officers and servants of local boards.

[1][73. (1) The Local Government may grant leave to the district engineer, the district health officer and the district panchayat officer and the president of the district board may grant leave to all other officers and servants of the district board.

(3) The president of a [2](. . .) panchayat may grant leave to all officers and servants of the [2](. . .) panchayat, [3](. . .).]

Power of local Government to appoint district engineers, health officers and panchayat officers.

[4][73-A. Notwithstanding anything contained in this Act—

(*a*) the Local Government may, by notification, take power to appoint any or all of the officers referred to in section 69, in the case of any district board or class of district boards ;

(*b*) the Local Government may recover from the district board concerned the whole or such proportion of the salary and allowances paid to any such officer and such contribution towards his leave allowances, pension and provident fund as the Local Government may by general or special order determine ;

(*c*) the Local Government may, at any time, withdraw any such officer and appoint another in his place ; and

(*d*) the Local Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers appointed under clause (*a*).]

Power of Local Government to regulate conditions of service, etc., of educational officer, etc.

[5][73-B. Notwithstanding anything contained in this Act, the Local Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the educational officer referred to in section 69-A and of any person appointed under section 69-B.]

Government servants employed by local boards.

74. (1) The Local Government may, on the application of any local board, place at its disposal the services of any Government servant to be employed [6][by it] for the

[1] This section was substituted by section 62 of the Madras Local Boards (Amendment) Act 1930 (Madras Act XI of 1930).

[2] The words ' taluk board or ' were omitted by section 35 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934.)

[3] The words ' as the case may be ' were omitted by section 35 *ibid.*

[4] This section was inserted by section 2 of the Madras Local Boards (Third Amendment) Act, 1933 (Madras Act XVIII of 1933).

[5] This section was inserted by section 36 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[6] These words were inserted by section 63 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

purposes of this Act. The local board shall pay to any Government servant so employed the salary he may be entitled to receive under the rules of the branch of the Government service to which he belongs, and shall also pay to the Local Government such contribution towards the pension and leave allowances of such servant as may be payable under the rules in that behalf in force for the time being.

(2) If such servant, while employed by the local board, or if any other servant of the local board, does any work for Government or for any public or private body, the Local Government or the public or private body concerned, as the case may be, shall contribute to the local board so much of the salary of such servant as the Local Government may consider to be an equivalent for such work.

(3) No Government servant employed by a local board shall be dismissed or removed from such employment without the consent of the Local Government or until three months' notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which such servant belongs.

(4) No Government servant employed by a local board shall, except in cases of emergency, be withdrawn from the service of the local board, without its consent, unless and until the Local Government shall have given three months' notice in writing to that effect to the local board, or unless some other Government servant has been deputed to replace the one withdrawn.

(5) Government servants employed by local boards shall be entitled to leave and other privileges in accordance with the regulations applicable to the department to which they belong.

Provincialization of any class of officers or servants of local boards.

[1] [**74-A.** (1) Notwithstanding anything contained in this Act, the Local Government may, by notification, constitute any class of officers or servants of local boards into a local fund service for the Presidency of Madras :

Provided that no notification shall be issued under this sub-section—

(i) unless all the local boards concerned have been consulted in respect thereof ; and

(ii) unless a majority of the local boards so consulted have passed a resolution supporting such issue.

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[1] This section was added by section 64 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(2) Upon the issue of a notification under sub-section (1) the Local Government shall have power, subject to the provisions of section 201-A, to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the local fund service thereby constituted and such rules may vest jurisdiction in relation to such service in the Local Government or in such other authority or authorities as may be prescribed therein.]

PART III—FINANCE.

CHAPTER VI.—TAXATION.

Land-cess.

[1][**74-B**. In every district, a land-cess being a tax on the annual rent value of lands shall be levied in accordance with the provisions hereinafter contained in this Act.]

Taxes.

75. (1) [2][A district board may by a resolution determine] that any of the following taxes [3][. . .] shall be levied :—

[4][(i)] a profession tax ; [5][and]

[4][(ii)] a [6][house-tax ;] [7][. . .]

[8][Provided that nothing in this sub-section shall be deemed to enable a district board to levy a house-tax in any area in which, prior to the 1st day of April 1930, a house-tax was not levied in pursuance of a resolution of the district board under this sub-section.]

[9][(2) (*a*) A panchayat may recommend to the Local Government, as convenient and suitable to the village, any tax, not being a land-cess or a tax which may be levied in the village by a district board under sub-section (1) or under section 76, and on such recommendation the Local Government may, by notification, sanction its levy in the village.

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[1] This section was inserted by section 65 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'the district board may determine' by section 66 (i) (*a*) *ibid.*

[3] The words 'and tolls' were omitted by section 10 (ii) of the Madras Motor Vehicles Taxation (Amendment) Act, 1932 (Madras Act V of 1932).

[4] Items (i) and (ii) were omitted and items (iii) to (v) were renumbered as items (i) to (iii) respectively by section 66 (i) (*b*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[5] This word was inserted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[6] This word was substituted for the words 'tax on houses' by section 66 (i) (c) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act X of 1930).

[7] The word 'and' and clause (iii) were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[8] This proviso was inserted by section 66 (i) (*d*) of the Madras Local Boards (Amedment) Act, 1930 (Madras Act XI of 1930).

[9] This sub-section was inserted by section 66 (ii) *ibid.*

(*b*) No recommendation for the levy of any tax shall be submitted by a panchayat under clause (*a*) unless such levy is sanctioned by a resolution of the panchayat supported by not less than one-half of its sanctioned strength at a meeting specially convened for the purpose.]

[1][(3)] Save as otherwise expressly provided by this Act—

(*a*) taxes [2][. . .] may be levied at different rates in different portions of a district ; [3][and]

(*b*) any resolution [4][of the district board] abolishing an existing tax [5][. . .] or reducing the rate at which a tax [5][. . .] is levied shall be immediately [6][reported to the Local Government] and, in the case of local boards which have an outstanding loan, such abolition or reduction shall not be carried into effect without the sanction of the Local Government.

[7][(4) Where a resolution under sub-section (1) or a notification under sub-section (2) has taken effect for a particular year, no proposals to alter the rates or date fixed in such resolution or notification so far as that year is concerned shall, without the sanction of, or a direction from, the Local Government, be taken into consideration by the district board or panchayat, as the case may be.]

76. With the previous sanction of the Local Government and the Government of India, a district board may [8][by a resolution] determine to levy a tax on persons [9][travelling by railway from any station notified under section 110 in or near any local area in the district which is resorted to by pilgrims :] Pilgrim tax.

[1] Sub-section (2) was renumbered as sub-section (3) by section 66 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' and tolls ' were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] This word was inserted by section 66 (iii) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] These words were inserted by section 66 (iii) (*b*) *ibid.*

[5] The words ' or toll ' were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[6] These words were substituted for the words ' reported to the Government ' by section 66 (iii) (*b*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[7] This sub-section was inserted by section 66 (iv) *ibid.*

[8] These words were inserted by section 67 (i) *ibid.*

[9] These words were substituted for the words ' entering or leaving by railway any place of pilgrimage situated in the district ' by section 67 (ii) *ibid.*

Provided that no portion of the proceeds of [1][such tax] [2][. . .] shall be expended for [3][purposes other than making arrangements for the health and comfort of the pilgrims resorting to, or the improvement or development of, such local area.]

Resolution and notification regarding levy of taxes.

[4][**77.** (1) (*a*) Any resolution of a district board determining to levy any tax [5][. . .] under sub-section (1) of section 75 or under section 76 shall specify the local limits of the area in which, the rate at which, the date from which and the period of levy, if any, for which, such tax [. . .] shall be levied.

[6] (*b*) When by any such resolution a district board determines to levy any tax [5] [. . .] for the first time or at a new rate, the president of the district board shall forthwith publish a notification in the prescribed manner specifying the particulars referred to in clause (*a*) and contained in such resolution.

(2) Any notification of the Local Government sanctioning the levy of any tax in a village under sub-section (2) of section 75 shall specify the particulars referred in clause (*a*) of sub-section (1) and be published in the prescribed manner.]

Land-cess.

[6] [**78.** The land-cess shall be levied on the annual rent value of all occupied lands on whatever tenure held and shall consist of a tax of one anna and a half in the rupee of the annual rent value of all such lands in the district.]

Annual rent value of lands how fixed.

[7][**79.** The annual rent value shall, for the purposes of section 78, be calculated in the following manner :—]

(i) In the case of lands held direct from Government on ryotwari tenure or on lease or licence and also in the case of [8][lands] situated in the district of Malabar on whatever tenure held, the assessment, lease amount, royalty or other sum payable to Government for the [8][lands], together

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[1] These words were substituted for the words ' such a tax ' by section 67 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' except with the sanction of the Local Government ' were omitted by section 67 (iii) *ibid.*

[3] These words were substituted for the words ' purposes other than the improvement or development of the place of pilgrimage ' by section 67 (iii) *ibid.*

[4] This section was substituted by Section 68 *ibid.*

[5] The words ' or toll ' were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[6] This section was substituted by section 69 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[7] This paragraph was substituted for the original opening paragraph by section 70 (i) *ibid.*

[8] This word was substituted for the word ' land ' by section 70 (ii) (*a*) *ibid.*

with any water-rate which may be payable [1][for their irrigation,] shall be taken to be the annual rent value [2][. . .].

(ii) In the case of inam lands or lands held wholly or partially free from assessment, the full assessment which such lands would bear if they were not inam, together with any water-rate which may be payable for their irrigation, shall be taken to be the annual rent value ; and such full assessment and water-rate shall be determined by the district collector under the general orders of the Board of Revenue.

[3][(iii) In the case of lands held on any other tenure, the annual rent payable to the landholder, sub-landholder or any other intermediate landholder holding on an under-tenure created, continued or recognized by a landholder or sub-landholder, as the case may be, by his tenants, together with any water-rate which may be payable for their irrigation, shall be taken to be the annual rent value ; and where such lands are occupied by the owner himself or by any person holding the same from him free of rent or at a favourable rent, the annual rent value shall be calculated according to the rates of rent usually paid by occupancy ryot for ryoti lands in the neighbourhood with similar advantages, together with any water-rate which may be payable for the irrigation of the lands so occupied.]

[3][(iv) In the case of lands, the assessment or rent of which is paid in kind, the annual rent value shall be calculated according to the rates of rent established or paid for neighbouring lands of a similar description and quality, together with any water-rate which may be payable for the irrigation of the lands first mentioned or if such method of calculation is, in the opinion of the Board of Revenue, impracticable in any particular case, according to any method which the Board of Revenue may approve for that case :

Provided that, where any landholder [4][or sub-landholder] has obtained under the provisions of sections 30 (iii) and 33 of the Madras Estates Land Act,

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[1] These words were substituted for the words ' for its irrigation ' by section 70 (ii) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' of such lands ' were omitted by section 70 (ii) (*b*) *ibid.*

[3] Clauses (iii) and (iv) were substituted by section 70 (iii) *ibid.*

[4] These words were inserted by section 70 (v) *ibid.*

1908, a decree empowering him to increase his rent in consequence of any additional payment by way of water-rate made by him to Government, the annual rent value shall be the balance remaining after deducting such increase of rent up to the amount of the water-rate from the sum ascertained as aforesaid.]

Certain landholders and sub-landholders to furnish lists of their lands to district collector.

[1][**80.** (1) The district collector may, by notification or otherwise, require every landholder being a proprietor of an estate falling under clause (*a*), (*b*) or (*c*) of the definition of 'estate' in the Madras Proprietary Estates Village Service Act, 1894, and every sub-landholder, within the district, to furnish him with an accurate list of the lands held by him, whether occupied by tenants or by himself, specifyimg the particulars referred to in sub-section (2).

Madras Act II of 1894.

(2) (*a*) The list furnished by a landholder under sub-section (1) shall specify—

(i) in the case of lands held by a sub-landholder under him, the kattubadi jodi, poruppu or quit-rent payable to him by such sub-landholder; and

(ii) in the case of any other lands occupied by the landholder, the annual rent value thereof exclusive of the water-rate, if any, payable by his tenants direct to Government.

(*b*) The list furnished by the sub-landholder under sub-section (1) shall specify the annual rent value of the lands occupied by him, exclusive of the water-rate, if any, payable by his tenant direct to Government.

(3) When two or more persons hold a revenue village or villages jointly, the landholder or sub-landholder shall, for the purpose of sub-sections (1) and (2), be the person who is recognized by the other joint holders as the senior joint holder or who, in case of dispute, is recognized by the district collector as such.]

District collector to assess tax according to list.

81. If the district collector is satisfied with the list furnished by a landholder [2] [or sub-landholder] in compliance with a requisition made under [3] [section 80,] he shall assess such landholder [4] [or sub-landholder] according to such list [5][. . .].

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[1] This section was substituted by section 71 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were inserted by section 72 (i) *ibid.*

[3] The word and figures were substituted for the words 'the last preceding section' by section 72 (ii) *ibid.*

[4] These words were inserted by section 72 (iii) *ibid.*

[5] The words 'for the tax due in respect of lands held by him as aforesaid' were omitted by section 72 (iv) *ibid.*

[1] [**82.** If a landholder or a sub-landholder shall neglect to comply with a requisition made under section 80 within six months from the date of receipt by him of such requisition, he shall be liable to a penalty not exceeding fifty rupees for every day's delay after the expiry of the six months, until the list be furnished or until the annual rent value of his lands shall have been fixed by the district collector as provided in section 83. The amount of such penalty shall be fixed by the district collector and shall be recoverable as an arrear of land-cess.] Penalty for failure to furnish such lists.

83. If no such list be furnished by [2] [a landholder or sub-landholder] within one month from the expiration of the [3] [period of six months referred to in section 82,] the district collector shall himself fix the annual rent value of the [4] [lands of such landholder or sub-landholder.]

84. The district collector may take steps in the manner provided by the Madras Revenue Summonses Act, 1869, for ascertaining the correctness of any list furnished in compliance with a requisition made under section 80 or, where [5][such list] shall not have been furnished, for fixing the annual rent value as provided in [6] [section 83,] anything in the Madras Karnams Regulation, 1802, to the contrary notwithstanding and he may depute any of his officers to make such enquiries as may be necessary. District collector may fix the annual rent value. Power of district collector to summon parties.

85. If after due inquiry the district collector is dissatisfied with any list [7][furnished to him by a landholder or sub-landholder] he shall amend the same, and shall supply [8] [such landholder or sub-landholder] with a copy of [9][the list as so amended] which shall be taken to contain the annual rent value of the [10][lands of such landholder or sub-landholder]. District collector to amend list if dissatisfied with it.

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[1] This section was substituted by section 73 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'any landholder by' section 74 *ibid.*

[3] These words were substituted for the words 'six months aforesaid by section 74 *ibid.*

[4] These words were substituted for the words 'lands held by such landholder as aforesaid' by section 74 *ibid.*

[5] These words were substituted for the words 'such lists' by section 75 *ibid.*

[6] The word and figures were substituted for the words 'the last preceding section' by section 75 *ibid.*

[7] These words were substituted for the words 'furnished to him as aforesaid' by section 76 *ibid.*

[8] These words were substituted for the words 'such landholder' by section 76 *ibid.*

[9] These words were substituted for the words 'such amended list' by section 76 *ibid.*

[1] These words were substituted for the words 'lands held by him as aforesaid' by section 76 *ibid.*

Appeal to Board of Revenue.

86. (1) An appeal shall lie to the Board of Revenue from the decision of the district collector [1][under section 85.]

(2) Such appeal shall be preferred within six weeks from the date [2] [on which] the copy of the amended list is supplied to the landholder [3][or sub-landholder.]

(3) The order made [4] [by the Board of Revenue] on such appeal shall be final.

Land-cess to be entered in pattas of ryotwari lands.

87. In the case of [5][lands held] on ryotwari tenure, the amount of the land cess payable by the landholder shall be entered in his patta.

Payment of land-cess by landholders and sub-landholders.

[6][**88.** Every landholder and sub-landholder shall pay to the district collector or other officer empowered by him to receive it, the land-cess due in respect of lands held by him exclusive of the amount of such cess, if any, payable by the sub-landholder or landholder as the case may be and by the tenant on or before such dates and in such instalments as the district collector under the general orders of the Board of Revenue may, by notification, declare. And if such lands be occupied by a tenant paying water-rate direct to Government such tenant shall pay to the district collector together with the water-rate the land cess due on the amount of such water-rate :

Provided that in all cases where a person holds lands with or without a right of occupancy as an intermediate landholder on an undertenure created, continued or recognized by a landholder or sub-landholder, it shall be lawful for the landholder or sub-landholder to recover from such intermediate landholder the whole of the cess paid by the landholder or sub-landholder in respect of lands held by such intermediate landholder less one-half the cess assessable on the amount of any kattubadi, jodi, poruppu or quit-rent payable by such intermediate landholder to the landholder or sub-landholder :

Provided also that, in the case of lands occupied by tenants, it shall be lawful for the landholder, sub-landholder or any other intermediate landholder, as the case may be, to recover from his tenant one-half of the amount payable by such landholder, sub-landholder or intermediate landholder in respect of the lands so occupied.]

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[1] These words and figures were substituted for the words ' under the last preceding section ' by section 77 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the word ' when ' by section 77 (ii) *ibid.*

[3] These words were inserted by section 77 (ii) *ibid.*

[4] These words were inserted by section 77 (iii) *ibid.*

[5] These words were substituted for the words ' land held ' by section 78 *ibid.*

[6] This section was substituted by section 79 *ibid.*

Powers of landholders.

89. Every landholder [1][sub-landholder or any other intermediate landholder,] as the case may be, shall, in [2] [recovering any amount which may be due to him under the provisos to section 88,] be entitled to exercise the same powers as may, under any Act or [3] [Regulation] which now is, or hereafter may be, in force, be exercised by any landholder in the [4][. . .] recovery of rent and shall be liable to all the penalties prescribed therein for the abuse of such powers.

[5] [*Explanation.*—A landholder or sub-landholder shall, in recovering the amount due to him, under the first proviso to section 88 from the intermediate landholder referred to therein, be entitled to exercise the powers and be subject to the penalties specified in this section as if the intermediate landholder were a ryot with whom a patta and muchilika had been exchanged and the provisions of the Madras Estates Land Act, 1908, shall, so far as may be, be applicable thereto.]

Madras Act I of 1908.

Remission of land-cess on permanently settled revenue payable to Government.

90. Every landholder [6][to whom clause (iii) of section 79 applies] shall be entitled to a remission of one-half of the [7][cess] payable by him on so much of the [8] [. . .] annual rent value of his land as is equal to the amount of the permanently settled revenue payable by him to Government in respect of such land :

Provided that the amount recoverable by such landholder from his tenants under the second proviso to section 88 shall be calculated upon the whole amount which would have been payable by him to Government if no such remission had been allowed.

Recovery of arrears of cess.

[9] [**91.** If a landholder or sub-landholder shall, on any date fixed by the district collector under section 88, have failed to pay either in whole or in part the cess due by him in respect of his lands or if a tenant shall have failed to pay either in whole or in part the cess due by him, on the water-rate payable by him to Government in respect of lands occupied by him, the said cess or such part of it as remains unpaid shall be recoverable as if it were an arrear of revenue under the

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[1] These words were substituted for the words ' or intermediate landholder ' by section 80 (1) (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words ' collecting or recovering the portion which may be due to him under the provisos to the last preceding section ' by section 80 (1) (ii) *ibid.*

[3] This word was substituted for the word ' regulation ' by section 80 (1) (iii) *ibid.*

[4] The words ' collection and ' were omitted by section 80 (1) (iv) *ibid.*

[5] This explanation was added by section 80 (2) *ibid.*

[6] These words and figures were substituted for the words and figures ' coming within the meaning of clause (iii) of section 79 ' by section 81 (i) *ibid.*

[7] This word was substituted for the word ' tax ' by section 81 (i) *ibid.*

[8] The word ' whole ' was omitted by section 81 (ii) *ibid.*

[9] This section was substituted by section 82 *ibid.*

Madras Revenue Recovery Act, 1864, and the provisions contained in section 42 of the said Act shall be applicable to all lands brought to sale for arrears of cess.] Madras Act II of 1864.

[1] [* * * * *]

[92. [1] Omitted.]

Profession tax.

Profession tax.

[2] [93. (1) If the district board by a resolution determines that a profession tax shall be levied in any local area—

every company which after the date specified in the notification published under clause (*b*) of sub-section (1) of section 77, transacts business in such local area for not less than sixty days in the aggregate in any half-year ; and

every person who, after the said date, in any half-year—

(*a*) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) within such local area for not less than sixty days in the aggregate, or

(ii) without such local area, but who resides in it for not less than sixty days in the aggregate ; or

(*b*) resides in such local area for not less than sixty days in the aggregate and is in receipt of any pension or income from investments

shall pay a half-yearly tax assessed in accordance with the rules in Schedule IV.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(3) If a company or person proves that it or he has paid the sum due on account of the profession tax levied under this Act, or the companies or profession tax levied under the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or any tax of the nature of a profession tax imposed under the Cantonments Act, 1924, for the same half-year to any local board or municipal council or cantonment authority in the Presidency of Madras, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, art or calling appointment or residence to pay to any other local board, municipal council or cantonment authority more than the difference Madras Act IV of 1919. Madras Act V of 1920. Act II of 1924.

[1] This section and the heading thereto were omitted by section 83 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] Sections 93 to 96-A were substituted for the original sections 93, 94, 95 and 96 by section 84 *ibid.*

between such sum and the amount to which it or he is otherwise liable for the profession or companies tax for the half-year under this Act or any of the aforesaid Acts.

(4) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities liable to profession tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Local Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Local Government shall be final.]

[1][**94.** The profession tax leviable from a firm, association or joint Hindu family may be levied from any adult member of the firm, association or family.] **Liability of members of firms, associations and joint Hindu families to profession tax.**

[1][**94-A.** (1) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any local area, such company or person shall be deemed to transact business in the local area and such servant or agent shall be liable for the profession tax in respect of the business of such company or person whether or not such servant or agent has power to make binding contracts on behalf of such company or person. **Liability of servants or agents to profession tax.**

(2) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession tax on the same income as that of the principal.]

[1][**95.** The profession tax levied in any village shall be credited to the village fund. The panchayat and its president shall exercise the powers regarding the assessment and recovery of the tax conferred by Schedule IV.] **Profession tax to be credited to village fund.**

[1][**96.** If the profession tax due from any company or person is not paid, the president of the panchayat shall cause a notice to be served on such company or person to pay it within fifteen days of the date of such service.] **Service of notice on failure of payment of tax.**

[1][**96-A.** All statements made, returns furnished or accounts or documents produced in connexion with the assessment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.] **Statements, returns, etc., to be confidential.**

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[1] Sections 93 to 96-A were substituted for the original sections 93, 94, 95 and 96 by section 84 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Notice to owner or occupier to furnish list of persons liable to tax.

97. The [1][president of the panchayat] 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 [2][persons occupying such building, land, hotel, boarding or lodging house, club or residenial chambers] and specifying the profession, art, [3][. . .] or calling of every such person and the rent, if any, paid by him and the period of such occupation.

[*House-tax.*][4]

House-tax.

[5][**98.** If the district board by a resolution determines or if the Local Government notifies that a house-tax shall be levied in any village such tax shall, at the rate and from the date specified in the notification published under clause (*b*) of sub-section (1) or sub-section (2) of section 77, as the case may be, be levied on all houses situated within the village, subject to the conditions laid down in the rules in Schedule IV.]

General exemptions.

99. The following buildings shall be exempt from the house-tax :—

(*a*) buildings set apart for public worship and either actually so used or used for no other purpose choultries, buildings used for educational purposes [6][including hostels] and for libraries which are open to the public, [6][public buildings used for the charitable purpose of sheltering the destitute or animals, and such ancient monuments protected under the Ancient Monuments Preservation Act, 1904, or parts thereof as are not used as residential quarters or as public offices ;] Act VII of 1904.

(*b*) charitable hospitals or dispensaries and other buildings exclusively used for charitable purposes [7][and such hospitals or dispensaries maintained by railway administrations as may from time to time be notified by the Local Government ;]

(*c*) buildings belonging to local boards ;

(*d*) light-houses.

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[1] These words were substituted for the words ' president of the taluk or union board as the case may be ' by section 85 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words ' persons occupying such building or land ' by section 85 (ii) *ibid.*

[3] The word ' trade ' was omitted by section 85 (iii) *ibid.*

[4] This heading was substituted for the heading ' tax on houses ' by section 86 *ibid.*

[5] This section was substituted by section 87 *ibid.*

[6] These words were inserted by section 88 (i) *ibid.*

[7] These words were added by section 88 (ii) *ibid.*

[1][*Explanation.*—The exemption granted under this section shall not extend to residential quarters attached to schools and colleges not being hostels or to residential quarters attached to hospitals, dispensaries and libraries.]

House-tax when payable

[2] [**100.** The house-tax shall be levied every half-year and shall, save as otherwise expressly provided in Schedule IV, be paid by the owner of the house within thirty days after the commencement of the half-year.]

Vacancy remission.

[3][**101.** (1) When any house has been vacant for sixty or more consecutive days in any half-year, the president of the panchayat shall remit so much, not exceeding one-half of the amount of the tax, as is proportionate to the number of days during which the house was vacant in the half-year.

(2) Every dumand for remission under sub-section (1) shall be made during the half year in respect of which the remission is sought or in the following half-year and not afterwards.

(3) (*a*) No demand for such remission shall be entertained unless the owner of the house or his agent has previously thereto given notice to the president of the house being vacant and the period in respect of which the remission is made shall be calculated from the date of delivery of such notice.

(*b*) 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.

[4] [**101-A.** (1) Whenever the title of any person primarily liable to the payment of house-tax on any house, to or over such house 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 executed, give notice of such transfer to the president of the panchayat.

(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 president 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 president 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 president any documents evidencing the transfer or succession.

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[1] This explanation was added by section 88 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This section was substituted by section 89 *ibid.*

[3] This section was substituted by section 90 *ibid.*

[4] This section was inserted by section 91 *ibid.*

(4) Every person who makes a transfer as aforesaid without giving such notice to the president shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of house-tax assessed on the house transferred until he gives notice or until the transfer shall have been recorded in the village registers, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.]

Owner's obligation to give notice of construction, reconstruction or demolition of building.

[1][**102.** (1) (*a*) If any house in a village is constructed or reconstructed, the owner shall give notice thereof to the president of the panchayat within fifteen days from the date of completion or occupation of the house, whichever is earlier.

(*b*) If such date falls within the last two months of half-year, the owner shall, subject to notice being given under clause (*a*), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the house for that half-year.

(*c*) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (*a*), be entitled to a remission of so much not exceeding a half of the tax or enhanced tax, as the case may be payable in respect of the house for that half-year as is proportionate to the number of days in that half-year preceding such date.

(2) (*a*) If any house in a village is demolished or destroyed, the owner shall, until notice thereof is given to the president, be liable at his discretion for the payment of the tax which would have been payable had the house not been demolished or destroyed.

(*b*) If such notice is given within the first two months of a half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the house for that half-year.

(*c*) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so much not exceeding a half of the tax payable in respect of the house for that half-year as is proportionate to the number of days in that half-year preceding the demolition or destruction as the case may be.]

Remission of tax in areas included or excluded in the middle of a half-year.

[2][**102-A.** (1) If any area is included within a village the owner of every house in such area shall—

(*a*) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any house-tax in respect thereof for that half-year; and

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[1] This section was substituted by section 92 of the Madras Local Boards (Amendment) Act 1930 (Madras Act XI of 1930).

[2] This section was inserted by section 93 *ibid.*

(*b*) if such date falls within the first four months of a half-year, be entitled to a remission of so much not exceeding a half of the house-tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) If any area is excluded from a village the owner of every house in such area shall be entitled—

(*a*) if the date of such exclusion falls within the first two months of a half-year, to a remission of the whole of the house-tax payable in respect thereof for that half-year ; and

(*b*) if such date falls within the last four months of a half-year, to a remission of so much not exceeding a half of the house-tax payable in respect thereof for that half-year as is proportionate to the number of days in that half year preceding such date.

(3) No remission shall be granted under sub-section (2) in respect of any house unless an application for such remission is made to the president within three months from the date of the exclusion of the area in which the house is situated.]

Exemption on the ground of poverty.

103. The [1] [panchayat] may, on the ground of poverty, exempt from payment of the whole or any portion of the tax the owner [. . .] of any house situated [3] [in the village.] The [4][district board] may in like manner exempt [5][the owners of any class of houses.]

[6] [. . .]

104. [6] [Omitted.]

105. [6] [Omitted.]

106. [6] [Omitted.]

107. [6] [Omitted.]

108. [6] [Omitted.]

109. [6] [Omitted.]

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[1] This word was substituted for the words " union board " by section 94 (i) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' or occupier ' were omitted by section 94 (i) (*b*) *ibid.*

[3] These words were substituted for the words ' in the union ' by section 94 (i) (*a*) *ibid.*

[4] These words were substituted for the words ' taluk board ' by section 94 (ii) *ibid.*

[5] These words were substituted for the words ' any classes of houses by section 94 (ii) *ibid.*

[6] Sections 104 to 109 and the heading thereto were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

Pilgrim tax.

Levy of pilgrim tax.

[1][**110.** (1) Where a local area is resorted to by pilgrims and the occasions for pilgrimage occur at intervals of years or only once or twice in a single year, a tax on persons leaving such area or its neighbourhood by railway shall be levied only for a specified period in respect of each such occasion. Where occasions for pilgrimage are more frequent or a place of pilgrimage is one of perennial resort, the tax may be levied throughout the year.

(2) The occasion and the period of levy of the tax shall, in consultation with the railway administrations concerned and with the previous approval of the Local Government, be determined by the district board.

(3) If the district board by a resolution determines that the tax shall be levied, such tax shall be collected from the date and during the period specified in the notiffcation published under clause (*b*) of sub-section (1) of section 77 in pursuance of such resolution as a sur-charge on the tickets of all passengers travelling by railway from any one of the railway stations in or near the local area and named in such notification to any other railway station more than a specified distance therefrom.

(4) The rates at which the tax shall be levied on each class of tickets shall be determined by the district board but shall not exceed the rates in the following table :—

	Tax.	
	For limited periods.	Throughout the year.
(1)	(2)	(3)
	RS. A. P.	RS. A. P.
For first-class tickets	0 8 0	0 4 0
For second-class tickets ..	0 4 0	0 2 0
For intermediate class tickets.	0 3 0	0 1 6
For third-class tickets	0 2 0	0 1 0

Provided that the rates leviable on season tickets, if any, shall be determined by the district board in consultation with the railway administrations concerned but shall not for a period of one month or any less period exceed six times the rates given in column (2) of the above table.

(5) The Local Government may make rules not inconsistent with this Act for regulating—

(i) the collection of the tax,

(ii) the payment thereof to the local board concerned,

[1] This section was substituted by section 99 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(iii) the deduction of any expenses incurred by railway administrations in the collection thereof, and

(iv) the decision of disputes—

(*a*) between local boards and between local boards and other local authorities ; and

(*b*) with the previous sanction of the Government of India between local boards and railway administrations in matters connected with the levy, collection or apportionment of the tax.]

[1][*Exemption and waiver.*]

Power to exempt from taxes.

111. Subject to the provisions of section 103, the district board may exempt any person or class of persons wholly or in part from the payment of any tax [2][. . . . .] [3][But nothing in this section shall be deemed to authorize the exemption of any person solely on the ground that he is a member of a local board.]

Power to write off irrecoverable taxes, etc.

[4][**111-A.** Subject to such restrictions and control as may be prescribed, a local board may write off any tax, [5][. . .] fee or other amount whatsoever due to it, whether under a contract or otherwise or any sum payable in connexion therewith, if, in its opinion, such tax, [. .][5] fee, amount or sum is irrecoverable.]

CHAPTER VII.—GENERAL PROVISIONS RELATING TO FINANCE.

Purposes to which local funds may be applied.

112. (1) The purposes to which the moneys received under this Act may be applied are, in general, everything necessary for, or conducive to, the safety, health, convenience or education of the inhabitants, or the amenities of the local area concerned and everything incidental to the administration, and include in particular—

(i) the construction, repair and maintanance of roads, bridges and other means of communication ;

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[1] This heading was inserted by section 100 (1) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' or toll ' were omitted by schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] This sentence was added by section 100 (1) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] This section was added by section 100 (2) *ibid.*

[5] The word ' toll ' was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

(ii) the planting of trees on the sides of public roads and on other public places and the preservation of trees planted by or belonging to [1][the local board;]

(iii) the construction and maintenance of hospitals, dispensaries, poor-houses, orphanages, choultries, markets, [2][shops, stalls and plinths,] slaughter-houses, cart-stands, drains sewers, latrines, water-works, tanks and wells, the payment of all charges connected with the objects for which such buildings or works have been constructed, the training and employment of vaccinators, the sanitation of towns and villages, the removal of congestion of population and the provision of house-sites, the cleansing of the roads, drains, sewers, latrines, tanks and wells, and other works of a similar nature ;

(iv) the payment of contributions to the funds of health and welfare associations or of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons ;

(v) the diffusion of education, and, with this view, the construction and repair of school-houses, the establishment and maintenance of schools, the inspection of schools, and the establishment and maintenance of libraries and reading-rooms ;

(vi) the payment of salaries, leave allowances, pensions, gratuities and compassionate allowances to servants employed by the local board ;

(vii) the payment of any amounts falling due on any loans legally contracted by [3][the local board ;]

(viii) the payment of sums falling due under any decree of a court and of refunds sanctioned by the local board ;

(ix) other measures of local public utility [4][(including agricultural, industrial or trading concerns)] calculated to promote the safety, health, comfort or convenience of the people.

(2) The funds of a local board shall be applicable to the purposes mentioned in sub-section (1) within the area of the local board, subject to the rules in Schedule V and

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[1] These words were substituted for the words 'the local boards' by section 101 (i) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were inserted by section 101 (i) (*b*) *ibid.*

[3] These words were substituted for the words 'a local board' by section 101 (i) (*c*) *ibid.*

[4] These words and brackets were inserted by section 101 (i) (*d*) *ibid.*

any further rules which may be prescribed ; and shall [1] [subject as aforesaid] be applicable to such purposes outside the local board area, if the expenditure is authorized by this Act or is specially sanctioned by the Local Government.

Construction and maintenance of railways, tramways, etc.

113. (1) With the previous sanction of the Government of India , a district board may—

(*a*) construct and maintain within or partly within and partly without, [2][the district] a railway under the provisions of any law for the time being in force relating to the construction and maintenance of railways ;

(*b*) subscribe to any debenture loan raised by the Government of India or by any local authority or by any [3] [company as defined in the Indian Companies Act, 1913], for the construction or maintenance of any railway which, in the opinion of the board, is likely to be of benefit to the district ;

(*c*) guarantee the payment from the district fund of such sums as it shall think fit as interest on capital expended on any such railway.

(2) With the previous sanction of the Local Government, a district board may, in all or any of the above ways, construct or maintain or assist the construction or maintenance of a tramway, rope-way, motor omnibus or other transport service within, or partly within and partly without [4][the district,] subject, in the case of tramways to the provisions of any law for the time being in force relating to the construction and maintenance of tramways.

(3) No application for sanction shall be made [5][in regard to any of the matters specified in sub-section (1) or (2),] unless it is authorized by a resolution of the district board supported by not less than two-thirds of the members present at a meeting specially convened in that behalf, such resolution being confirmed after a period of three months by a like majority at a like meeting.

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[1] These words were inserted by section 101 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words ' the local area for which it is established ' by section 102 (i) (*a*) *ibid.*

[3] These words were substituted for the words and figures ' company registered under the Indian Companies Act, 1913 ' by section 102 (i) (*b*) *ibid.*

[4] These words were substituted for the words ' the local area for which it is established ' by section 102 (ii) *ibid.*

[5] These words were substituted for the words ' in regard to the matter specified in sub-sections (1) and (2) ' by section 102 (iii) *ibid.*

Constitution of district and village funds.

114. There shall be constituted for each district a district fund, [1][. . .] and [2][for each village a village fund].

114-A. [3] [Omitted.]

Receipts and charges of the different classes of local funds.

115. The rules embodied in Schedule V regarding [4][the charges to be debited to, and the receipts to be placed to the credit of village, [5][. . .] and district funds,] respectively, and regarding the administration of those funds, shall be read as part of this chapter.

Preparation and sanction of budgets.

116. (1) The president of each local board shall in each year frame and place before [6][the local board,] a budget showing the probable receipts and expenditure during the following year.

[7] [(2) Every local board shall sanction the budget with such modifications, if any, as it thinks fit.]

[7] [(3) The [8](. . .) budget of a panchayat shall, after being so sanctioned, be submitted to the district board [9](. . .). If such budget fails to provide for the due discharge of all liabilities in respect of loans or for the maintenance of a working balance, the district board [10](. . .) may direct that any part of such budget shall be so modified as to ensure that such provision is made.]

Submission of consolidated budget to Government and their control.

117. (1) The district board shall, [11][in each year not later than such date as may be fixed in this behalf by the

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[1] The words ' for each taluk a taluk fund ' were omitted by section 37 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] These words were substituted for the words ' for each union fund ' by section 103 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[3] This section was omitted by section 38 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[4] These words were substituted for the words ' the receipts to be placed to the credit of, and the charges to be debited to, district, taluk and union funds ' by section 105 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[5] The word ' taluk ' was omitted by section 39 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[6] These words were substituted for the words ' his board ' by section 106 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[7] These sub-sections were substituted by section 106 (ii) *ibid.*

[8] The words ' budget of a taluk board and the ' were omitted by section 40 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[9] The words ' and the taluk board respectively ' were omitted by section 40 *ibid.*

[10] The words ' or the taluk board, as the case may be ' were omitted by section 40 *ibid.*

[11] These words were substituted for the words and figures ' not later than 15th February in each year ' by section 107 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Local Government,] submit to the Local Government a consolidated budget for the following year [1] [of itself and of all [2](. . .) panchayats in the district.]

(2) If such consolidated budget fails to provide for the due discharge of all liabilities in respect of loans contracted by any local board or for the maintenance of a working balance, the Local Government may direct that [3][any part of the budget shall be so modified] as to ensure that such provision is made.

118. The district board [4][shall fix] dates for the preparation, sanction and submission of the budgets of all [5][[6] (. . .) panchayats] in the district.

Fixing of dates for budgets.

119. If in the course of a year a local board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, a supplemental or revised budget may be framed, sanctioned and submitted in the manner provided in [7][sections 116 and 117,] provided that any alteration in the amount alloted for the service of debt or in the working balance shall be made only with the consent of the Local Government.

Revised or supplemental budget.

Appointment of auditors of accounts.

120. The Local Government shall appoint auditors of the accounts of [8] [the receipts and expenditure of every local fund.] Such auditors shall be deemed to be 'public servants' within the meaning of section 21 of the Indian Penel Code.

Contributions to expenditure by other local authorities.

121. (1) If the expenditure incurred by the Local Government or by any other local board to which this Act applies or by any other local authority in the Presidency of Madras for any purpose authorized by or under Schedule V is such as to benefit the inhabitants of a local board area, the local board may, with the sanction of the Local Government, make a contribution towards such expenditure.

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[1] These words were substituted for the words 'of all Local Boards in the district' by section 107 (i) or the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words 'taluk boards and' were omitted by section 41 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] These words were substituted for the words 'any part of it shall be so altered' by section 107 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] These words were substituted for the words 'may fix' by section 108 *ibid.*

[5] The words 'taluk boards and panchayat' were substituted for the words 'local boards' by section 108 *ibid.*

[6] The words 'taluk boards and' were omitted by section 41 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[7] These words and figures were substituted for the word and figures 'section 116' by section 109 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[8] These words were substituted for the words 'receipts and expenditure of the local fund' by section 110 *ibid.*

(2) The Local Government may direct a local board to show cause within a month after receipt of the order containing the direction, why any contribution described in sub-section (1) should not be made.

(3) If the local board fails to show cause within the said period to the satisfaction of the Local Government, the Local Government may direct it to make such contribution as they shall name, and it shall be paid accordingly.

Recovery of loans and advances made by the Local Government.

[1][**121-A**. Notwithstanding anything contained in the Local Authorities Loans Act, 1914, the Local Government shall be entitled to recover in the manner provided by sub-section (3) of section 41 of this Act or by suit, any loan or advance made to any local board for any purpose to which the funds of the said board may be applied under this Act.] Act IX of 1914.

PART IV.—PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER VIII.—PUBLIC HEALTH.

Private and public tanks or wells.

Closing and cleansing of wells, etc.

122. [2][The president of a panchayat] may require the owner of, or the person having control over, any private stream, channel, tank, well or other place the water of which is used for drinking, to cleanse and maintain the same in good repair, to provide parapet walls for the same, and also to protect any such well from pollution by surface drainage in such manner as he may think fit, or whenever the said water is proved to the satisfaction of such president to be unfit for drinking to desist from so using such water or permitting others so to use it ; and if, after such notice, the water of such well, tank or reservoir is used by any person for drinking, the president may require the owner or person having control thereof to close such well, tank or reservoir either temporarily or permanently or to enclose or fence such well, tank or reservoir, in such manner as he may direct so that the water thereof may not be used for drinking :

Provided that in the case of private streams, channels, tanks, wells or other places mentioned in this section, the water of which is used for drinking by the public or any section of the public by right, the expenses incurred in the closing or the fencing of such well, tank or reservoir shall be [3] [paid by the panchayat from the village fund.]

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[1] This section was inserted by section 111 of the Madras Local Boards (Amendment) Act, 1930, (Madras Act XI of 1930).

[2] These words were substituted for the words 'the president of the taluk board in non-union areas and the president of the union board in union areas by section 112 (i) *ibid.*

[3] These words were substituted for the words 'paid by the taluk or union board from the taluk or union fund' by section 112 (ii) *ibid.*

Filling in of pools, etc., which are a nuisance or may prove dangerous to public health.

123. (1) If in the opinion of the [1] [president of a panchayat]—

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

(*b*) any land on which water may accumulate is or is likely to be dangerous or to [2] [prove injurious to health or offensive to the neighbourhood] by becoming a breeding place of mosquitoes, or in any other manner, he may, [3] [. . .] by notice require the owner [4] [or other person having control] thereof to fence, repair, fill up, cover over, clean, drain or drain off the same in such manner and with such materials as may be stated in the notice or to take such order with the same as the notice may direct.

(2) If [5][any person] on whom such notice is served delivers to the president within the time specified for compliance therewith, written objections to such requisition, the president shall report on such objections to the [6] [panchayat] and shall not institute any prosecution for failure to comply with such requisition except with the approval of the [7] [panchayat]. The president may nevertheless execute such works as may in his opinion be of urgent importance to prevent immediate danger to the public or injury to the public health, pending the [8] [decision of the panchayat]. The [6][panchayat] shall decide, in every such case, whether the cost of the work executed shall be paid by the owner or the board or shall be shared and, if so, in what proportion.

Setting apart of public tanks, etc., for certain purposes.

124. [9] [(1) (*a*) The panchayat may, in the interests of public health, regulate or prohibit the washing of animals or of clothes or other articles or, fishing, in any public spring, tank, or well or in any public water-course or part thereof and may set apart any such place for drinking or for bathing or for washing animals or clothes or for any other specified purpose.

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[1] These words were substituted for the words 'president of a taluk or union board' by section 113 (i) (*a*) of the Madras Local Boards (Amendment) Act, 1930, (Madras Act XI of 1930).

[2] These words were substituted for the words 'prove injurious to the health of the neighbourhood' by section 113 (i) (*b*) *ibid.*

[3] The words 'with the approval of the local board concerned' were omitted by section 113 (i) (*c*) *ibid.*

[4] These words were inserted by section 113 (i) (*d*) *ibid.*

[5] These words were substituted for the words 'an owner' by section 113 (ii) (*a*) *ibid.*

[6] This word was substituted for the words 'local board' by section 113 (ii) (*b*) *ibid.*

[7] This word was substituted for the words 'board concerned' by section 113 (ii) (*b*) *ibid.*

[8] These words were substituted for the words 'local board's decision' by section 113 (ii) (*c*) *ibid.*

[9] This sub-section was substituted by section 114 (i) *ibid.*

(*b*) The powers conferred by clause (*a*) may, in the case of any private spring, tank, well or water-course, be exercised by the panchayat, with the consent of the owner of such place.

(*c*) The panchayat may, in the interests of public health, regulate or prohibit the washing of animals or of clothes or of other articles in any private spring, tank, well or water-course from which the public have a right to take water for drinking purposes.]

(2) The president of a [1] [panchayat], on receipt of a certificate from any medical official in local board or Government employ stating that the water in any well, tank or other source of water-supply to which the public have access [2] [in the village] is likely to engender or cause the spread of any dangerous disease, may by public notice prohibit the use of such water. Such notice shall be served by placing a notification near the source of water-supply or by beat of drum stating the number of days during which such prohibition shall last. The president may extend or modify the notice without the production of a further certificate.

Prohibition against using places so set apart for purposes other than those notified.

125. No person shall—

(*a*) bathe in or defile the water in any place set apart for drinking [3] [or cooking] purposes either [4] [by a panchayat] or, in the case of private property, by the owner thereof ; or

(*b*) deposit any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes ; or

(*c*) wash clothing in any place set apart as aforesaid for drinking or bathing ; or

(*d*) wash any animal or any cooking utensil or wool, skins, or other foul or offensive substance or deposit any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or bathing or washing clothes ; or

(*e*) allow the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes, or for bathing, or for washing clothes.

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[1] This word was substituted for the words ' taluk or union board ' by section 114 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words ' within the limits of such board's jurisdiction ' by section 114 (ii) *ibid.*

[3] These words were inserted by section 115 (i) *ibid.*

[4] These words were substituted for the words ' by a taluk or by a union board ' by section 115 (ii) *ibid.*

[1][**126.** Every panchayat—

(i) shall maintain in a cleanly condition all wells, tanks and reservoirs in the village which are not private property and may fill them up or drain them when it appears necessary so to do ; and

Maintenance of wells, tanks, etc., by panchayats.

(ii) shall have control of all waterways in the village other than waterways which are, or are connected with, works of irrigation, not being private property and not being specially excepted by any order of the Local Government or of the district board and may do all things necessary for the maintenance, repair and improvement thereof.]

[2] [**126-A.** All wells, tanks, reservoirs and waterways referred to in section 126 when maintained by a panchayat shall be open to use and enjoyment by persons of whatever caste or creed.]

Public wells, etc., open to all persons.

Scavenging.

127. The president of a [3][panchayat] may contract with the owner or occupier of any premises to remove rubbish or filth, or any particular kind of rubbish or filth, from such premises or any place belonging thereto, on such terms as to times and periods of removal and other matters as may seem suitable to the president and on payment of fees at such rate calculated to cover the cost of the service as the [3] [panchayat] may have laid down.

Cleansing of private latrines, etc.

[4] [**128.** Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or for other like purposes is situated within the limits of a [5] (district) or village or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the [5](district) board or the panchayat as the case may be and the [5](district) board or panchayat may require the trustee or other person having control over such place to make such recurring or non-recurring contribution to its funds as the Local Government may determine.]

Contributions from persons having control over places of pilgrimage, etc.

129. No owner or occupier of any premises shall allow the water from any sink, drain, latrine or stable, or any other filth to flow out of such premises to any portion of a public

Prohibition against allowing outflow of filth.

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[1] This section was substituted by section 116 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This section was inserted by section 2 of the Madras Local Boards (Fourth Amendment) Act, 1933 (Madras Act XXIII of 1933).

[3] This word was substituted for the words ' taluk or union board ' by section 117 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] This section was substituted by section 118 *ibid.*

[5] This word was substituted for the word ' taluk ' by section 42 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

road except a drain or a cess-pool or to flow out of such premises in such a manner as to cause nuisance by the soakage of the said water or filth into the walls or ground at the side of a drain forming a portion of a public road.

[1] [*Private drainage.*]

Power to require construction or removal of private drains.

[1] [**129-A.** A panchayat may, by notice, require the owner or occupier of any building to construct private drains therefor or alter or remove the private drains thereof.]

Dangerous diseases.

Definition of 'dangerous disease.'

130. 'Dangerous disease' means a disease specified in Schedule VI.

Power of entry into suspected places and disinfection of buildings and articles.

131. (1) [2] [The president of a panchayat], 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 reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place.

(2) If the president is of opinion that the cleansing or disinfecting of any premises or 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 occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(3) If the president considers that immediate action is necessary, or that the occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the president may himself without notice cause [3] [such premises or article] to be cleansed or disinfected and for this purpose may cause such article to be removed from the premises; and the expenses incurred by the president shall be recoverable from the said occupier in cases in which he is, in the opinion of the president not unable by reason of poverty effectually to comply with such requisition.

[4] [(4) The powers conferred on the president by sub-sections (1) to (3) may be exercised by the district health officer or any other officer authorized by him.]

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[1] The heading and section 129-A were inserted by section 119 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'the president of the taluk board in non-union areas and the president of the union board in union areas' by section 120 (i) *ibid.*

[3] These words were substituted for the words 'such building or article by section 120 (ii)

[4] This sub-section was added by section 120 (iii) *ibid.*

President to notify places for washing and disinfecting.

132. (1) [1][The president of a panchayat] may notify places to which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease shall be removed and at which they shall be washed, disinfected or otherwise disposed of.

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

Prohibition against infected person carrying on occupation.

133. If any person knows or has reason to believe that 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.

Persons suffering from dangerous diseases and public conveyances.

134. (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, anything in any Act relating to public conveyances for the time being in force to the contrary notwithstanding.

(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.

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[1] These words were substituted for the words ' the president of the taluk board in non-union areas, and the president of the union board in union areas' by section 121 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(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.

Power to order closure of places of public entertainment.

135. In the event of the prevalence of any dangerous disease within [1] [a village], [the president of the panchayat][2] may by notice require the owner or occupier of any building, booth or tent used for purpose of public entertainment to close the same for such period as he may fix.

Minor suffering from dangerous disease not to attend school.

136. No person being the parent or having the care or charge of a minor who is or has been suffering f om a dangerous disease or has been exposed to infection therefrom shall, after a notice from the [3] [president of a panchayat] or any person duly appointed by him in this behalf 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 president or such person or a registered medical practitioner a certificate that in his opinion such minor may attend without risk of communicating such disease to others.

Smallpox.

Compulsory vaccination.

137. (1) Vaccination shall be compulsory in any local area to which this Act applies [4][in respect of such persons and to such extent as may be] prescribed.

(2) The [5][6] (district board) and its president] shall, subject to such control as may be prescribed, be responsible for enforcing vaccination.

Obligation to give information of smallpox.

138. Where an inmate of any dwelling place is suffering from smallpox, the head of the family to which the inmate belongs and, in default, the occupier or person in charge of such place, shall give intimation of the fact to the [7] [president of the [6] (district board)] or by the village headman concerned with the least practicable delay.

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[1] These words were substituted for the words 'any local area' by section 122 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'the president of the taluk board in non-union areas and the president of the union board in union areas' by section 122 *ibid.*

[3] These words were substituted for the words 'president of a taluk or union board' by section 123 *ibid.*

[4] These words were substituted for the words 'to the extent' by section 124 (i) *ibid.*

[5] The words 'taluk board and its president' were substituted for the words 'taluk board and its president in non-union areas, and the union board and its president in union areas' by section 124 (ii) *ibid.*

[6] These words were substituted for the words 'taluk board' by section 43 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act 11 of 1934).

[7] These words were substituted for the words 'president of the local board' by section 125 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Prohibition of inoculation for smallpox.

139. (1) Inoculation for smallpox is hereby prohibited.

(2) No person who has undergone the operation of inoculation shall leave the village or town in which he is before the lapse of forty days from the date of inoculation, without a certificate from a medical practitioner of such class as the [1] [[2] (district board)] may authorize to grant such certificates, stating that such person is no longer likely to produce smallpox by contact or near approach.

Disposal of the dead.

Registration of burial and burning grounds.

140. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act as a place for burying, burning or otherwise disposing of the dead shall, if such place be not already registered, apply [3] [to the panchayat] to have such place registered.

(2) If it appears to such [4] [panchayat] that there is no owner or person having the control of such place, the [4] [panchayat] shall assume such control and register such place or may, with the sanction of the district board, close it.

Licensing of places for disposal of dead.

141. (1) No new place for the disposal of the dead, whether private or public, shall be opened, formed, constructed or used unless a licence has been obtained from the [5][panchayat] on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the [6][panchayat] may require.

(3) The [6] [panchayat] to whom application is made may—

(*a*) grant or refuse a licence, or

(*b*) postpone the grant of a licence until objections to the site have been removed or any particulars called for by it have been furnished.

(4) The Local Government may cancel or modify any order passed by a [6] [panchayat] under sub-section (3).

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[1] The words ' taluk board ' were substituted for the words ' local board ' by section 126 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words ' taluk board ' by section 43 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] These words were substituted for the words ' to the taluk board in non-union areas and to the union board in union areas ' by section 127 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] This word was substituted for the words ' local board ' by section 127 (ii) *ibid.*

[5] This word was substituted for the words ' taluk or union board ' by section 128 (i) *ibid.*

[6] This word was substituted for the words ' local board ' by section 128 (ii) *ibid.*

Provision of burial and burning grounds and crematoria.

142. The [1] [panchayat] may, and shall if no sufficient provision exists, provide at the cost of the [2] [village fund] places to be used as burial or burning grounds or crematoria, and may charge rents and fees for the use thereof.

A book to be kept of places registered, licensed or provided.

143. (1) A book shall be kept at the office of every [3] [panchayat] in which places registered, licensed or provided under sections 140 to 142 and all such places registered, licensed or provided before the commencement of this Act shall be recorded.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and at least in one vernacular language to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

Prohibition against burying or burning in unauthorized places.

144. No person shall bury, burn or otherwise dispose of, or cause or suffer to be buried, burnt or otherwise disposed of, any corpse in any place within 100 yards of a dwelling place or source of drinking water-supply other than a place registered, licensed or provided as aforesaid :

Provided that no prosecution shall be instituted for contravening the provisions of this section without the written sanction of the [4][president of the panchayat concerned].

Notice to be given to panchayat of burials, etc.

145. 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 a place, to any person appointed [5][by the panchayat concerned].

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

146. (1) If a [6] [panchayat] is satisfied—

(*a*) that any registered or licensed place for the disposal of the dead is in such a state or situation as to be, or to be likely to become, 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

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[1] This word was substituted for the words ' taluk board in non-union areas and the union board in union areas' by section 129 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words ' local fund ' by section 129 *ibid.*

[3] This word was substituted for the words ' taluk and union board ' by section 130 *ibid.*

[4] These words were substituted for the words ' president of the local board concerned ' by section 131 *ibid.*

[5] These words were substituted for the words ' by the local board concerned in that behalf ' by section 132 *ibid.*

[6] This word was substituted for the words ' taluk or union board ' by section 133 (i) *ibid.*

provided for the persons who would ordinarily make use of such place, it may, with the previous sanction of the district board, give notice that it shall not be lawful, after a period of not less than two months 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 in the district gazette and in the village concerned by beat of drum.

(3) No person shall, in contravention of any notice under this section and after the expiration of the period named in such notice, bury, burn or otherwise dispose of, or cause or permit to be buried, burnt or otherwise disposed of, any corpse at such place.

(4) The Local Government may cancel or modify any notice issued by a [1] [panchayat] under sub-section (1).

Chapter IX.—Dangerous Structures, Trees and Places.

147. (1) If any structure adjoining a public road appears to the president of the local board in which such road is vested to be in a ruinous state and dangerous to the passers-by the president 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. **Precautions in case of dangerous structures.**

(2) If immediate action is necessary, the president 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 road or take such temporary measures as he may think fit to prevent danger, and the cost of doing so shall be recoverable from the owner or occupier in the manner hereinafter provided.

148. (1) If any tree or any branch of a tree standing on land adjoining a public road appears to the president of the local board in which such road is vested to be likely to fall and thereby endanger any person using, or any structure on, such road, the president 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. **Precautions in case of dangerous trees.**

(2) If immediate action is necessary, the president shall himself, before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or fence off a part of the public road 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 hereinafter provided.

[1] This word was substituted for the words 'local board ' by section 133 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

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

149. The president of the local board in which a public road is vested may by notice require the owner or occupier of any building or land near such road to—

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

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

(*c*) cut and trim any hedges or trees overhanging such road 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.

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

150. (1) If any tank, pond, well, hole, stream, dam, bank or other place appears to him to be, for want of sufficient repair, protection or enclosure, dangerous to the public health or safety, [1][the president of a panchayat may with the approval of the panchayat] 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 hereinafter provided.

Licence to be obtained for quarrying near public road, etc.

151. (1) (*a*) No person shall work a quarry in, or remove stone, earth or other material from, any place within twenty yards of any public road or of other immovable property belonging to a local board without obtaining a licence from the local board permitting him to do so.

(*b*) The local board may either grant or refuse to grant a licence.

(*c*) [2] [Omitted.]

(2) If in the opinion of the local board the working of any quarry or the removal of stone, earth or other material from any place is dangerous to persons residing in, or resorting to, the neighbourhood thereof, or creates or is likely to create a nuisance, the local board may 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

[1] These words were substituted for the words ' the president of the taluk board in non-union areas and the president of the union board in union areas may with the approval of the local board concerned ' by section 134 of the Madras Local Boards (Amendment) Act, 1930 (**Madras Act XI of 1930**).

[2] Clause (*c*) was omitted by section 135 ***ibid.***

other material from such place or to take such order with such quarry or place as it shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

152. [1] [Omitted.]

Removal of filth or noxious vegetation from lands and buildings in panchayat areas.

153. (1) The president of a [2][panchayat] may by notice require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or [3][dangerous to the public or] offensive to the neighbourhood, [4][or otherwise a sour e of nuisance] to clear, cleanse or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth [5][or to take such other action as may be deemed by the president necessary to remove such nuisance] within such period and in such manner as may be specified in the notice.

(2) If it appears to the president of a [6][panchayat] necessary for sanitary purposes so to do, he may by notice [7][require the owner or occupier of any building or land to cleanse or limewash the same] in the manner and within a period to be specified in the notice.

Power to destroy stray pigs and dogs.

154. (1) [8][A panchayat] may, and, if so required by the district magistrate, shall give public notice that unlicensed pigs or dogs straying within specified limits will be destroyed.

(2) When such notice has been given, any person may destroy, in any manner not inconsistent with the terms of the notice, any unlicensed pig or dog, as the case may be, found straying within such limits.

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

155. (1) When the president of a local board takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof in virtue of his powers under this chapter, the president may sell the materials or things taken down, cut down or removed, and apply the proceeds in or towards payment of the expenses incurred.

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[1] This section was omitted by section 136 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This word was substituted for the words 'union board' by section 137 (i) (*a*) *ibid.*

[3] These words were inserted by section 137 (i) (*b*) *ibid.*

[4] These words were inserted by section 137 (i) (*c*) *ibid.*

[5] **These words were inserted by section 137 (i) (*d*) *ibid.***

[6] This word was substituted for the words 'union board' by section 137 (ii) (*a*) *ibid.*

[7] These words were substituted for the words 'require the owner or occupier of any building to limewash or otherwise cleanse the building inside and outside' by section 137 (ii) (*b*) *ibid.*

[8] These words were substituted for the words 'The taluk board in non-union areas, and the union board in union areas' by section 138 *ibid.*

(2) If after reasonable enquiry it appears to the president 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 the sale of such property (not being immovable property) or of any portion thereof.

Limitation of compensation.

156. No person shall be entitled, save as otherwise expressly provided, to compensation for any damages sustained by reason of any action taken by the authorities of a local board in pursuance of their powers under this chapter.

CHAPTER X.—PUBLIC ROADS.

Prohibition against obstructions in or over public roads.

157. No one shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any public road except as hereinafter provided.

Public roads open to all.

[1][**157-A.** All roads vested in or maintained by the local boards shall be open to persons of whatever caste or creed.]

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

158. (1) No door, gate, bar or ground-floor window shall, without a licence from the president of the local board in which such road is vested, be hung or placed so as to open outwards upon any public road.

(2) The president 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 public road.

Removal of encroachments.

159. (1) The president of a local board may [2][. . .] 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 public road vested in such board.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or ob truction has existed for a period sufficient unde the law of limitation to give any person a prescriptive title thereto or that it was erected or made with the permission or licence of any local authority du'y empowered in that behalf, and that the period, if any, for which the permission or licence is valid has not expired, the local board shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

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[1] This section was inserted by section 2 of the Madras Local Boards (Amendment) Act, 1926 (Madras Act I of 1927).

[2] The words 'with the approval of the board' were omitted by section 139 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Power to allow certain projections and erections.

160. (1) The president of a local board may, with the approval of the board, grant a licence, subject to such conditions and restrictions as he may think fit, to the owner or occupier of any premises to put up verandas, balconies, sunshades, weather-frames and the like, to project over a public road vested in such board ; or to construct any step or drain-covering necessary for access to the premises.

(2) The president of a local board may grant a licence, subject to such conditions and restrictions as he may think fit, for the temporary erection of pandals and other structures in a public road vested in such board or in any other public place the control of which is vested in such board.

(3) The president of a local board shall have power, with the approval of the board, to lease roadsides vested in such board for occupation on such terms and conditions and for such period as the local board may fix.

(4) But [1][neither a licence under sub-section (1) nor a lease under sub-section (3)] shall be granted if the projection, construction or occupation, as the case may be, is likely to [2][be injurious to health or] cause public inconvenience or otherwise materially interfere with the use of the road as such.

(5) The Local Government may, by notification, restrict and place under such control as they may think fit, the exercise, by any local board or any class of local boards, of the powers under sub-sections (1) and (3).

(6) On the expiry of any period for which a licence has been granted under this section, the president may without notice, cause any projection or construction put up under sub-section (1) or sub-section (2) to be removed, and the cost of so doing shall be recoverable, in the manner hereinafter provided, from the person to whom the licence was granted.

Prohibition of building on sewer, drain, etc., without permission.

161. (1) No building shall be erected without the written permission of the [3][president of the panchayat] or of some other person authorized by such president, over any sewer or drain, or any part of a sewer or drain or upon any ground, which has been covered, raised or levelled wholly or in part by road sweepings or other rubbish.

(2) The said president or person may by notice require any person who shall have erected a building without such permission, or in a manner contrary to or inconsistent with the terms of such permission, to demolish the same.

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[1] These words and figures were substituted for the words and figures 'no licence under sub-section (1) nor any lease under sub-section (3)' by section 140 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were inserted by section 140 *ibid.*

[3] These words were substituted for the words 'president of the taluk board in non-union areas, or of the president of the union board in union areas' by section 141 *ibid.*

Notice regarding removal of noxious vegetation, etc.

162. The president of a local board may, by notice, require the owner or occupier of any land adjoining a public road or adjoining other land or water vested in the local board to clear away prickly-pear, wattle, lantana, or other noxious vegetation where it encroaches on such property and so far as it has spread from such land on to such property.

Prohibition against making holes and causing obstruction in public road.

163. (1) No person shall make a hole or cause any obstruction in any public road unless he previously obtains the permission of the president of the local board in which such road is vested and complies with such conditions as the president 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 person contravenes the provisions of this section, the president shall fill up the hole or remove the obstruction or cause the hole or obstruction to be lighted, as the case may be, and may recover the cost of so doing from such person.

Prohibition against planting or felling trees on public roads, etc., without permission.

[1][**163-A.** (1) No person shall plant any tree on any public road or other property vesting in or belonging to a local board, except with the previous permission of the president of the local board and on such conditions as the president may impose.

(2) No person shall fell, remove, destroy, lop, or strip bark or leaves from or otherwise damage any tree vesting in or belonging to a local board and growing on any such public road or property except with the previous permission of the president of the local board and on such conditions as the president may impose.]

Recovery of penalty and compensation for unauthorized occupation of land.

164. (1) If any person, without the previous sanction of the local board, occupies any land [2][which is set apart for any public purpose] and is vested in or belongs to a local board, he shall be bound to pay in respect of such occupation such sum as may be demanded by the local board by way of penalty ; such sum may be recovered in the manner hereinafter provided.

(2) The president may by notice require any person on whom a penalty has been, or may be, imposed under sub-section (1) to vacate such land and to remove any building or other construction or anything deposited on it.

(3) If any damage to the property of the local board has been caused by any person occupying any land for which he is liable to pay penalty under sub-section (1), he shall be

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[1] This section was inserted by section 142 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'which is not set apart for a public road, but is set apart for any other public purpose' by section 143 *ibid.*

liable to pay compensation to the local board for such damage in addition to and irrespective of any penalty that may be imposed on or recovered from him, and the amount of such compensation shall in case of dispute be determined and recovered in the manner hereinafter provided.

Power of local board to recover expenses caused by extraordinary traffic.

165. When by a certificate of an officer of the Government, Public Works Department, of a rank not below that of Executive Engineer it appears to the president of the local board concerned that, having regard to the average expenses of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the local board in repairing a public road by reason of the damage caused by excessive weight passing along the road or extraordinary traffic thereon, the local board may recover in the civil court having jurisdiction from any person by or in consequence of whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by the local board by reason of the damage arising from such weight or traffic as aforesaid :

Provided that any person, from whom expenses are, or may be, recoverable under this section, may enter into an agreement with the local board for the payment to it of an amount by way of composition in respect of such weight or traffic, and thereupon the person so paying shall not be subject to any proceedings under this section.

Licensing of motor vehicles plying for hire and motor lorries.

[1][**166.** (1) No person shall use—

(*a*) any motor vehicle for hire, or

(*b*) any motor lorry,

on any public road in a district, except on a licence obtained from the president of the district board.

[2][(2) The district board may, with the previous approval of the Local Government, make regulations specifying the fees on payment of which, and the other conditions (including the rates of fares for passengers and of freight for goods which may be charged) subject to which, such licences may be granted.]

[2][(3) The fees chargeable under sub-section (2) shall not exceed the following maxima, namely :—

(*a*) in the case of a motor vehicle carrying passengers for hire.	seven rupees eight annas per seat (excluding the seat for the driver and the seat for the conductor, if any), for each quarter or portion thereof ;

[1] This section was substituted by section 144 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These sub-sections were substituted for sub-sections (2), (3) and (4) by section 3 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1933 (Madras Act XXV of 1933).

(*b*) in the case of a motor lorry not plying for hire.	one rupee four annas for each quarter or portion thereof;
(*c*) in the case of a motor lorry plying for hire—	
(i) not exceeding 30 cwt. in weight, unladen.	one hundred rupees for each quarter or portion thereof;
(ii) exceeding 30 cwt. but not exceeding 50 cwt. in weight, unladen.	one hundred and ten rupees for each quarter or portion thereof;
(iii) exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen.	one hundred and twenty rupees for each quarter or portion thereof;
(iv) exceeding 70 cwt. in weight, unladen.	one hundred and sixty rupees for each quarter or portion thereof; and
(v) additional fee chargeable in respect of such lorry, if it is used for drawing trailers.	twenty-five rupees for each trailer for each quarter or portion thereof.

Explanation.—The expressions 'quarter,' 'trailer' and unladen weight' in this sub-section shall have the same meaning as in the Madras Motor Vehicles Taxation Act, 1931.] Madras Act III of 1931.

[1][(4) The following special provisions shall apply in respect of the licence fees chargeable under sub-section (2) for motor vehicles to be used for hire within the limits of more than one district :—

(i) There shall be paid to the district board of the district in respect of which the application for licence is first made, the full licence fee payable under the regulations of that district board.

Explanation.—Where the motor vehicle is garaged in one of the districts, the application for licence shall first be made to the district board of that district.

(ii) There shall be paid to the district board of the district in respect of which the application for licence is next made, two-thirds of the licence fee payable under the regulations of that district board, diminished by one-third of the licence fee paid to the district board of the district referred to in clause (i).

[1] These sub-sections were substituted for sub-sections (2), (3) and (4) by section 3 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1933 (Madras Act XXV of 1933).

(iii) The district board referred to in clause (i) shall pay one-third of the licence fee received by it under that clause to the district board of the district referred to in clause (ii).

(iv) There shall be paid to the district board of every other district two-thirds of the licence fee payable under the regulations of the district board of such district.]

[1][(5) Licences may be granted for one or more quarters at a time, provided that the period shall in no case extend beyond the expiry of the year to which it relates.]

[2][(6) If during the period of currency of a licence, a motor vehicle is destroyed or removed from the road on account of its being unfit for further service and is replaced by another vehicle falling under the same class of sub-section (3), no fee shall be levied for the grant of a licence for the latter vehicle in respect of the remaining portion of the said period.]

[3][(7)] (*a*) Any person aggrieved by an order passed under sub-section (1) or (2) may appeal against such order to the district board.

(*b*) The period of limitation for such appeal shall be—

(i) where the appeal is against an order refusing a licence,	fifteen days from the date of communication of the order to the applicant; and
(ii) where the appeal is against an order granting a licence.	thirty days from the date of publication of the order on the notice board of the district board.

CHAPTER XI.—MARKETS, SLAUGHTER-HOUSES, ETC.

Public markets.

Public markets.

167. All markets which are acquired, constructed, repaired or maintained out of the local fund shall be deemed to be public markets [4][and such markets shall be open to persons of whatever caste or creed].

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[1] Those sub-sections were substituted for sub-sections (2), (3) and (4) by section 3 (ii) of the Madras District Municipalities and Local Boards (Amendment) Act, 1933 (Madras Act XXV of 1933).

[2] Sub-sections (2) to (6) were substituted for the original sub-sections (2), (3) and (4) by section 3 (ii) *ibid.*

[3] Sub-section (6) was omitted and sub-section (5) was renumbered as sub-section (7) by section 3 (i) *ibid.*

[4] These words were inserted by section 3 of the Madras Local Boards (Amendment) Act, 1926 (Madras Act I of 1927).

Powers in respect of public markets.

168. (1) The [1][panchayat] may provide places for use as public markets.

(2) Subject to such control as may be prescribed, the [1][panchayat] may, in any public market, levy any one or more of the following fees, at such rates as may appear to it proper, or may farm out such fees on such terms and subject to such conditions as it may deem fit :—

(*a*) fees for the use of, or for the right to expose goods for sale in, such markets ;

(*b*) fees for the use of shops, stalls, pens or stands in such markets ;

(*c*) fees on vehicles or pack-animals bringing, or on persons carrying, goods for sale in such market ;

(*d*) fees on animals brought for sale into, or sold in such markets ;

(*e*) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such markets.

(3) The [1][panchayat] may, with the sanction of the district board, close any public market or part thereof.

President's control over public markets.

169. (1) No person shall, without the permission of the president of the [1][panchayat] or, if the rents and fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) The president may expel from any public market any person who or whose servant has been convicted of disobeying any by-laws at the time in force in such market, and may prevent such person from further carrying on, by himself or his servants or agents, 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.

Private markets.

[**170.** Omitted.]

Licence for private market.

[3][**171.** (1) No person shall open a new private market or continue to keep open a private market unless he obtains from the panchayat a licence to do so.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than six weeks before such place is opened as a market or before the commencement of the year for which the licence is sought, as the case may be.

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[1] This word was substituted for the words 'taluk board' by section 145 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This section was omitted by section 146 *ibid.*

[3] This section was substituted by section 147 *ibid.*

(3) The panchayat shall, as regards private markets already lawfully established, and may at its discretion as regards new private markets, grant the licence applied for, subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used and rents and fees to be charged in such market as the panchayat may think proper, or the panchayat may refuse to grant such licence for any new private market. The panchayat may, however, at any time, for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The panchayat may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled or modified under this section, the panchayat shall cause a notice of such grant, refusal, suspension, cancellation or modification in the chief vernacular language of the locality to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) Every licence granted under this section shall expire at the end of the year.]

172. (1) Any person claiming to levy, in a private market lawfully established prior to the coming into force of the Madras Local Boards Act, 1884, fees of the nature specified in [1][sub-section (2) of] section 168, shall first apply [2][to the district board through its president] for a certificate recognizing his right in this behalf.

Procedure for claiming right to levy fees in private markets established prior to 1884.

(2) Such president shall serve a notice of the application on the [3][panchayat] and, in deciding whether the applicant is entitled to levy such fees, the district board shall take into consideration any representations which the [3][panchayat] may make, and shall thereafter grant or refuse the certificate.

(3) The person who has obtained a certificate under this section shall present it to the [3][panchayat] and the [3][panchayat] shall, in granting him a licence under section 171, allow him to levy the fees mentioned in such certificate.

Right of establishing suit for claim to levy fees.

173. Any person aggrieved by an order of the district board refusing to grant a certificate may, within six months from the date of such order, institute a suit to establish the right he claims, and, subject to the result of such suit, such order shall be final.

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[1] These words and figures were inserted by section 148 (i) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'to the president of the district board' by section 148 (i) (*b*) *ibid.*

[3] This word was substituted for the words 'taluk board' by section 148 (ii) *ibid.*

Fees for licence.

174. When a licence granted under section 171 does not permit the levy of any fees, it shall be granted free of charge ; but when such permission is given, a fee not exceeding fifteen per centum of the gross income of the owner from the market in the preceding year [1][shall] be charged by the [2][panchayat] for such licence.

Prohibition of sale in unlicensed private markets.

175. 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 panchayat in respect of private markets.

176. The [3][panchayat] may by notice require the owner, occupier, or farmer of any private market to—

(*a*) construct approaches, entrances, passages, gates, drains and cess-pits for such market and provide it with latrines of such description and in such position and number as the [3][panchayat] may think fit ;

(*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 [3][panchayat] 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 make such alterations in the stalls, passages, shops, doors or other parts of the market as the [3][panchayat] may direct ;

(*e*) keep it in a cleanly and proper state, remove all filth and refuse therefrom and dispose of them at such place and in such manner as the [3][panchayat] may direct ; and

(*f*) make such other sanitary arrangements as the [3][panchayat] may consider necessary.

Suspension or refusal of licence for default in complying with notice under section 176.

177. (1) If any person, after notice given to him in that behalf by the [3][panchayat] fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 176, the [3][panchayat] may 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 keep open any private market during such suspension or until the licence is renewed.

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[1] This word was substituted for the word 'may' by section 149 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This word was substituted for the words 'taluk board' by section 149 *ibid.*

[3] This word was substituted for the words 'taluk board' by section 150 *ibid.*

Prohibition against nuisances in private markets.

178. No owner, occupier, agent or manager in charge of any private market, or of any shop, stall, shed or other place therein, shall keep the same so that it is a nuisance, or fail to cause anything that is a nuisance to be at once removed to a place, to be notified by the [1][panchayat.]

Power to close private markets.

179. The [1][panchayat] or any officer duly authorized by it in that behalf may close any private market—

(*a*) in respect of which no licence has been applied for ; or

(*b*) the licence for which has been refused, withheld, or suspended ; or

(*c*) which is held or kept open contrary to the provisions of this Act.

Acquisition of rights of private persons to hold private markets.

180. (1) A [1][panchayat] may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the [1][panchayat] of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold a private market and to levy fees therein shall vest in the [1][panchayat].

Appeal against orders under section 171.

181. Any person aggrieved by an order of the [1][panchayat] under sub-section (3) of section 171 may appeal against such order to the district board ; and pending the disposal of such appeal the president of the district board may, if he thinks fit, suspend the execution of the order appealed against.

Duty of excluding lepers, etc., from markets and power to expel disturbers.

182. The person in charge of a market shall prevent the entry therein of or expel therefrom any person suffering from leprosy or from any infectious or contagious disease and he may expel therefrom any person who is creating a disturbance therein.

Prohibition against sale in public roads.

183. The president of a [2][panchayat] may, with the sanction of the [3][panchayat,] prohibit by public notice, or licence or regulate, the sale, or exposure for sale, of any [4][animals or] articles in or upon any public road or place or part thereof.

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[1] This word was substituted for the words ' taluk board ' by section 150 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This word was substituted for the words ' local board ' by section 151 (i) *ibid.*

[3] This word was substituted for the word ' board ' by section 151 (i) *ibid.*

[4] These words were inserted by section 151 (ii) *ibid.*

Exercise of powers in respect of taluk markets.

[1][**183-A.** The powers which a panchayat and its president may exercise under sections 168 to 183 shall, in respect of markets classified as [2](district) markets under rule 3 of Schedule V, be exercised by the [2](district) board and its president respectively.]

Decision of disputes as to whether places are markets.

[1][**183-B.** If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, of live-stock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products, is a market, or not, the panchayat or [2](district) board concerned shall make a reference to the Local Government and the decision of the Local Government on the question shall be final.]

Cart-stands.

Provision of public cart-stands.

184. (1) The [3][panchayat] may construct, or provide, and maintain public landing places, halting places and cart-stands and may levy [4][. . .] fees for the use of the same.

(2) A statement [5][in the chief vernacular language of the locality] of any fees prescribed by the [6][panchayat] for the use of such place shall be put up in a conspicuous part [7][thereof].

[8][*Explanation.*—A cart-stand shall, for the purposes of this Act, include a stand for carriages [9](including motor vehicles within the meaning of the Indian Motor Vehicles Act, 1914) and animals.]

Prohibition of use of public place or sides of public road as cart-stand, etc.

185. Where a [10][panchayat] has provided a public landing place, halting place or cart-stand, the president may, with the approval of the [10][panchayat,] prohibit the use for the same purpose by any person, within such distance thereof as may be prescribed, of any public place or the sides of any public road.

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[1] Sections 183-A and 183-B were inserted by section 152 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This word was substituted for the word 'taluk' by section 44 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] This word was substituted for the words 'taluk board' by section 153 (1) (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] The words 'rents and' were omitted by section 153 (1) (i) *ibid*

[5] These words were substituted for the words 'In English and a vernacular language of the district' by section 153 (1) (ii) *ibid.*

[6] This word was substituted for the words 'taluk board' by section 153 (1) (ii) *ibid.*

[7] This word was substituted for the words 'of every such place where they are leviable' by section 153 (1) (ii) *ibid.*

[8] This explanation was added by section 153 (2) *ibid.*

[9] These words were inserted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[10] This word was substituted for the words 'taluk board' by section 154 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[1] [**186.** (1) If the fee leviable under sub-section (1) of section 184 in respect of a vehicle or animal is not paid on demand, the person duly authorized to collect the same may seize such vehicle or animal, or any part of its burden, and detain the same in his custody. Recovery of cart-stand fees, etc.

(2) If such fee together with the expenses occasioned by such seizure and detention, remains unpaid for twelve hours, the person duly authorized as aforesaid shall forthwith send the vehicle, animal or other property seized as aforesaid to the nearest public officer empowered to sell distrained property under the Madras Rent and Revenue Sales Act, 1839.

(3) Such officer shall forthwith give notice to the owner of the property seized, or, if the owner is not known or is not resident in the neighbourhood, to the person who was in charge of the said property at the time when it was seized and if he is not found, publish by beat of drum that, after the expiration of two days exclusive of Sunday from the date of service or after the said publication of such notice, he will sell the said property by auction at a place to be specified in the notice.

(4) If, at any time before the sale, the person to whom notice has been given or the owner of the property seized tenders to the said officer the amount due on account of the fee and of all the expenses occasioned by the non-payment thereof and by the seizure and detention of the property, the property seized shall be forthwith released.

(5) If no tender is made to such officer, he shall sell the said property or a sufficient portion thereof by auction and apply the proceeds of the sale to the payment of the amount due on account of the fee and the expenses incidental to the seizure, detention and sale of the property and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and the application of the proceeds thereof as aforesaid.]

[2][**187.** (1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the panchayat a licence to do so.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought, not less than six weeks before such place is opened as a cart-stand or before the commencement of the year for which the licence is sought, as the case may be. Licence for private cart-stand.

(3) The panchayat shall, as regards private cart-stands already lawfully established and may, at its discretion, as regards new private cart-stands, grant the licence applied for,

[1] This section was substituted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[2] This section was substituted by section 156 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

subject to such regulations as to supervision and inspection and to such conditions as to conservancy as the panchayat may think proper; or the panchayat may refuse to grant such licence for any new private cart-stand. The panchayat may, however, at any time for breach of the conditions thereof, suspend, or cancel any licence which has been granted under this section. The panchayat may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled or modified under this section, the panchayat shall cause a notice of such grant, refusal, suspension, cancellation or modification in the chief vernacular language of the locality to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) The panchayat may levy on every licence granted under this section a fee not exceeding two hundred rupees per annum.

(6) Every licence granted under this section shall expire at the end of the year.]

[1][. . .]

188. [1][Omitted.]

Slaughter-houses.

Provision of slaughter-houses.

189. (1) Every [2][panchayat] shall provide a sufficient number of places for use as public slaughter-houses.

[3][(2)] The [4][panchayat] may charge rents and fees for the use of public slaughter-houses.

Panchayat may prohibit slaughtering, etc., of cattle in places other than public slaughter-houses.

190. [5][The panchayat may, with the sanction of the [6](district) board, notify—]

(*a*) that no person shall, [7][without or otherwise than in conformity with the written permission] of the president, slaughter or permit to be slaughtered, or cut up or skin or permit to be cut up or skinned, any cattle, [8][horse,] sheep, goat or pig in any place

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[1] The heading and section 188 were omitted by section 157 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This word was substituted for the words 'union board' by section 158 (i) *ibid.*

[3] Sub-section (2) was omitted and sub-section (3) was renumbered as sub-section (2) by section 158 (ii) *ibid.*

[4] This word was substituted for the words 'local board' by section 158 (iii) *ibid.*

[5] This paragraph was substituted by section 159 (i) *ibid.*

[6] This word was substituted for the word 'taluk' by section 44 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[7] These words were substituted for the words 'except with the written permission' by section 159 (ii) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[8] This word was inserted by section 159 (ii) (*b*) *ibid.*

[1][in the village or in any specified area therein] other than at a public slaughter-house provided by the [2][panchayat ;]

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

[3][Provided further that no such notification shall have effect until 60 days from the date of publication ;]

(*b*) that no person shall, for purposes of sale to the public, slaughter, or permit to be slaughtered, any cattle, [4][horse], sheep, goat or pig [5][without or otherwise than in conformity with a licence] obtained from the president.

Slaughter of animals during festivals and ceremonies.

191. The President of the [6][panchayat] may, on occasions of festivals and ceremonies or as a special measure, allow any animal to be slaughtered in such places [7][within the village] as he thinks fit.

Government places exempted.

192. The provisions of sections 189 and 190 shall not apply to places used by Government for the purposes mentioned in the said sections.

Industries and factories.

Purposes for which places may not be used without licence.

193. (1) The [8][panchayat] may notify that no place [9][within the limits of the village] shall be used for any one or more of the purposes specified in Schedule VII [10][without a licence issued by the president of the panchayat] and except in accordance with the conditions [11][specified in such licence :]

Provided that no such notification shall take effect until 60 days from the date of publication.

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[1] These words were substituted for the words 'in any town or village notified by it by name' by section 159 (ii) (*c*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This word was substituted for the words 'local board' by section 159 (ii) (*c*) *ibid.*

[3] This proviso was added by section 159 (ii) (*d*) *ibid.*

[4] This word was inserted by section 159 (iii) *ibid.*

[5] These words were substituted for the words 'except on a licence' by section 159 (iii) *ibid.*

[6] This word was substituted for the words 'taluk or union board' by section 160 *ibid.*

[7] These words were substituted for the words 'within the limits of the board' by section 160 *ibid.*

[8] This word was substituted for the words 'taluk board' by section 161(i) (*a*) *ibid.*

[9] These words were substituted for the words 'within its limits' by section 161 (i) (*b*) *ibid.*

[10] These words were substituted for the words 'without the licence of the president of the union board if the place is within union limits, or of the president of the taluk board if it is outside such limits' by section 161 (i) (*c*) *ibid.*

[11] These words were substituted for the words 'specified therein' by section 161 (i) (*c*) *ibid.*

(2) The owner or occupier of every such place shall within 30 days of the publication of such notification apply to the president of the [1][panchayat] for a licence for the use of such place for such purpose.

(3) The president may, by an order and under such restrictions and regulations as he thinks fit, grant such licence, or refuse to grant it.

(4) Every such licence shall expire at the end of the year unless for special reasons the president considers it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein.

(5) Applications for renewal of such licences shall be made not less than 30 days before the end of every year and applications for licences for places to be newly opened shall be made not less than 30 days before they are opened.

(6) [2][Omitted.]

Application to be made for construction, establishment or installation of factory, work-shop or work-place in which steam or other power is to be employed.

194. (1) Every person intending—

(*a*) to construct or establish any factory, workshop or work-place in which it is proposed to employ steam power, water power or other mechanical power or electrical power, or

(*b*) to instal in any premises any machinery or manufacturing plant driven by steam, water or other power as aforesaid,

shall, before beginning such construction, establishment or installation, make an application in writing [3][to the panchayat] for permission to undertake the intended work.

[4][(2) The application shall be accompanied by—

(i) a plan of the factory, work-shop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the Local Government, and

(ii) such particulars as to the power, machinery, plant or premises as the panchayat may require by by-laws made in this behalf by the district board.]

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[1] This word was substituted for the words 'local board' by section 161 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This sub-section was omitted by section 161 (iii) *ibid.*

[3] These words were substituted for the words 'to the taluk board in non-union areas and to the union board in union areas' by section 162 (i) *ibid.*

[4] This sub-section was substituted by section 162 (ii) *ibid.*

(3) The [1] [panchayat] shall, as soon as may be after the receipt of the application,

(*a*) grant the permission applied for, either absolutely or subject to such conditions as it thinks fit to impose, or

(*b*) refuse permission, if it is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to cause a nuisance.

[2] [(4) Before granting permission under sub-section (3), the panchayat—

(*a*) shall obtain the approval of the inspector of factories appointed under the Indian Factories Act, 1911, having jurisdiction in the village or, if there is more than one such inspector, of the inspector designated by the Local Government in this behalf by general or special order as regards the plan of the factory, work-shop, work-place or premises with reference to

Act XII of 1911.

(i) the adequacy of the provision for ventilation and light,

(ii) the sufficiency of the height and dimensions of the rooms and doors,

(iii) the suitability of the exits to be used in case of fire, and

(iv) such other matters as may be prescribed by rules made by the Local Government ; and

(*b*) shall consult and have due regard to the opinion of the district health officer where the district board employs such an officer and of the district medical officer in other cases, as regards the suitability of the site of the factory, work-shop, work-place or premises for the purpose specified in the application.]

Power of panchayat to issue directions for abatement of nuisance caused by steam or other power.

195. (1) If, in any factory, work-shop or work-place in which steam power, water power or other mechanical power or electrical power is used, nuisance is caused by reason of the particular kind of fuel employed or by reason of the noise or vibration created, [3] [the panchayat] may issue such directions as they think fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

[1] This word was substituted for the words 'local board' by section 162 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This sub-section was substituted by section 162 (iv) *ibid.*

[3] These words were substituted for the words 'the taluk board in non-union areas and the union board in union areas' by section 163 (i) *ibid.*

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the [1] [panchayat] may

(*a*) prohibit the use of the particular kind of fuel employed, or

(*b*) restrict the noise or vibration by prohibiting the working of the factory, work-shop or work-place between the hours of 9–30 p.m. and 5–30 a.m.

Power of Local Government to pass orders or give directions to local board.

196. The Local Government may, either generally or in any particular case, make such order or give such directions as they may deem fit in respect of any action taken [2] [or omitted to be taken] [3] [. . .] under section 194 or section 195.

Power of president of panchayat to enter factory, work-shop or work-place.

197. (1) The president of a [4] [panchayat,] or any person authorized by him in this behalf, may enter any factory, work-shop or work-place—

(*a*) at any time between sunrise and sunset ;

(*b*) at any time when any industry is being carried on ; and

(*c*) at any time by day or by night, if he has reason to believe that any offence is being committed [5] [against] section 194 or section 195.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for the purpose of effecting an entrance under this section.

Application of the Places of Public Resort Act.

Extension of the Places of Public Resort Act, 1888, to any local area.

198. Notwithstanding any provisions to the contrary in the Places of Public Resort Act, 1888, when the Local Government extend that Act to any local board area,

(*a*) the authority to whom application for a licence shall be made and who may grant, or refuse, the licence under that Act, shall be [6] [the president of the panchayat ;]

(*b*) the appeal from the president's order granting, refusing, revoking or suspending a licence under that Act shall be to the [7] [panchayat] ; and

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[1] This word was substituted for the words 'local board' by section 163 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930.)

[2] These words were inserted by section 164 (i) *ibid.*

[3] The words 'by a local board' were omitted by section 164 (ii) *ibid.*

[4] This word was substituted for the words 'taluk or union board' by section 165 *ibid.*

[5] This word was substituted for the word 'under' by section 165 *ibid.*

[6] These words were substituted for the words 'the president of the union board in union areas and the president of the taluk board in non-union areas' by section 166 (i) *ibid.*

[7] This word was substituted for the words 'local board concerned' by section 166 (ii) *ibid.*

(*c*) the fee to be levied on, and the conditions to be inserted in, licences issued under that Act shall be determined by the [1] [panchayat].

PART V.—SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XII.—SUBSIDIARY LEGISLATION.

Rules and schedules.

199. (1) The Local Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith and prescribe forms for any proceeding for which they consider that a form should be provided. **Power of Local Government to make rules.**

(2) In particular, and without prejudice to the generality of the foregoing power, they shall have power to make rules—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed ;

[2] [(*b*) with reference to all matters not expressly provided for in this Act, which relate to elections of presidents, vice-presidents or members of local boards including deposits to be made by candidates standing for election as members and the conditions under which such deposits may be forfeited :

Provided that the deposit required shall not exceed one hundred rupees in the case of candidates standing for election to a district [3] (. . .) board :

Provided further that no deposit shall be required from an Adi-Dravida candidate standing for election to any local board or from any candidate standing for election to a panchayat.]

(*c*) with respect to the conduct of inquiries and the decision of disputes relating to elections ;

(*d*) as to the conditions on which property may be acquired by a local board, or on which property vested in or belonging to such board may be transferred by sale, mortgage, lease, exchange or otherwise ;

(*e*) as to the working of provident fund institutions ;

(*f*) as to the conditions on which grants-in-aid shall be paid from a local fund for purposes of medical relief and as to the conditions on which grants and loans may be made to co-operative building societies ;

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[1] This word was substituted for the words 'local board concerned' by section 166 (ii) *ibid.*

[2] This clause was substituted by section 167 (1) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[3] The words 'or taluk' were omitted by section 45 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[1][(*ff*) as to the opening, maintenance, management and supervision of local board schools ;]

(*g*) as to the intermediate offices, if any, through which correspondence between local boards and the Local Government of their officers shall pass ;

(*h*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of local boards and the power of the local boards or Government officers [2][. . .] to accord professional or administrative sanction to estimates ;

(*i*) as to the accounts to be kept by local boards [3][the audit and publication of such accounts and] the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered or omitted therein ;

(*j*) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by local boards ;

(*k*) as to the mode in which the officers of Government shall advice and assist local boards in carrying out the purposes of this Act ;

(*l*) as to the interpellation of the president by the members of a local board ;

(*m*) as to the moving of resolutions at the meetings of a local board ;

[4][(*n*) as to the conditions on which and the mode in which contracts may be made by or on behalf of local boards ;]

[5][(*o*)] as to the powers of auditors to disallow and surcharge items, and as to the recovery of sums disallowed or surcharged ;

[5][(*p*)] as to the transfer of allotments entered in the sanctioned budget of a local board from one head to another ; [6][. . .]

[5][(*q*)] as to the powers of auditors, inspecting and superintending officers and officers authorized [7][. . .] to hold inquiries, to summon and

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[1] This clause was inserted by section 45 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] The words ' or the Sanitary Board ' were omitted by section 167 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[3] These words were substituted for the words ' the manner in which such accounts shall be audited and published and as to ' by section 167 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] This clause was substituted for by section 167 (iv) *ibid.*

[5] Clause (*o*) was omitted and clauses (*p*), (*q*) and (*r*) were relettered as clauses (*o*), (*p*) and (*q*) respectively by section 167 (v) *ibid.*

[6] The word ' and ' was omitted by section 167 (vi) *ibid.*

[7] The words ' to conduct inquiries relating to elections ' were omitted by section 167 (vii) *ibid.*

examine witnesses [1] [and] to compel the production of documents and all other matters connected with audit, inspection and superintendence ;

[2] [(*r*) for regulating the sharing between local authorities in the Presidency of Madras of the proceeds of the profession tax, [3] [. . .] and other taxes or income levied or obtained under this or any other Act ; and]

[4] [(*s*) as to the class of magistrates by whom offences under this Act shall be tried.]

(3) In making any rule, the Local Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

Procedure for the making of rules.

200. The power to make rules under section 199 is subject to the following conditions :—

(*a*) A draft of the rules shall be published in the *Fort St. George Gazette*.

(*b*) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Local Government may appoint.

(*c*) All rules made under section 199 shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act.

Power of Local Government to amend, add to and cancel schedules and procedure therefor.

201. (1) The Local Government may make rules altering, adding to, or cancelling any of the schedules to this Act except Schedules I, VIII and IX.

(2) 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 (1).

[5] (3) [Omitted.]

Procedure for the making of rules under sub-section (2) of section 74 A and section 201.

[6] [**201-A.** A draft of the rules proposed to be made under sub-section (2) of section 74-A or under section 201 shall be laid on the table of the Legislative Council and the rules shall not be made unless the Legislative Council approves the draft either without modification or addition, or with modifications or additions ; but upon such approval being given, the rules may be made in the form in which they have been approved and such rules on being so made shall be notified and shall thereafter be of full force and effect.]

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[1] This word was inserted by section 167 (vii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This clause was added by section 167 (viii) *ibid.*

[3] The word 'tolls' was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[4] This clause was added by section 167 (viii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[5] This sub-section was omitted by section 168 *ibid.*

[6] This section was inserted by section 168 *ibid.*

By-laws.

202. The district board may make by-laws, not inconsistent with this Act or with any other law, to provide— Power of district board to make by-laws.

[1][(1) for all matters expressly required or allowed by this Act to be provided for by by-law ;]

[1][1-A] for the due performance by all officers and servants of local boards of the duties assigned to them ;

(2) for the regulation of the time and mode of collecting the taxes, [2][and fees] 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 ;

(4) for the cleansing of latrines, earth-closets, ashpits and cess-pools ;

(5) (*a*) for the regulation of the use of public roads and the closing thereof or parts thereof ;

(*b*) for the regulation of traffic in public roads, or their reservation for particular kinds of traffic ;

(*c*) for the protection of avenues and trees planted by or belonging to local boards and of grass and other appurtenances of public roads ;

(6) for the regulation of the use of parks, gardens and other public places or places vested in a local board ;

(7) 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 ;

(8) for the sanitary control and supervision of places used for any of the purposes specified in Schedule VII and of any trade or manufacture carried on therein ;

(9) (*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 at any slaughter-house provided or licensed by a local board ;

(10) (*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 ;

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[1] Clause (1) was renumbered as clause (1-A) and this clause was inserted as clause (1) by section 169 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XIV of 1930).

[2] These words were substituted for the words ' fees and tolls ' by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

(*c*) for prescribing the method of sale of articles whether by measure, weight, tale or piece ;

(*d*) for prescribing and providing standard weights, scales and measures and preventing the use of any others ;

[1] [(*e*) for licensing and controlling brokers, commission agents, weighmen and measurers practising their calling in markets ;]

[2] [(*f*)] 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 consumption are kept or sold ;

[3][(11)] for the regulation of burial and burning grounds and other places for the disposal of corpses ;

[3] [(*b*) Omitted.]

(12) for the prevention of dangerous diseases of men or animals ;

(13) for the enforcement of compulsory vaccination ;

(14) for the prevention of outbreaks of fire ;

(15) for the prohibition and regulation of advertisements in public roads or parks ; and

(16) in general, for securing cleanliness, safety and order and the good government and well-being of any area to which this Act applies and for carrying out all the purposes of this Act.

Penalty for breaches of by-laws.

203. In making a by-law, the district board 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 president of a local board to discontinue such breach.

Power of panchayat to make by-laws.

[4] [**203-A.** (1) Subject to such rules as the Local Government may make in this behalf, a [5] (. . .) panchayat may make by-laws for carrying out any of the purposes for which it is constituted.

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[1] This sub-clause was inserted by section 169 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] Sub-clause (*e*) was relettered as sub-clause (*f*) by section 169 (ii) *ibid.*

[3] Sub-clause (*a*) of clause (11) was renumbered as clause (11) and sub-clause (*b*) was omitted by section 169 (iii) *ibid.*

[4] This section was inserted by section 170 *ibid.*

[5] The words 'taluk board or' were omitted by section 46 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

(2) Such by-laws shall not be inconsistent with this Act or any other law or with any by-law made by the district board under section 202.

(3) In making a by-law, the [1](. . .) panchayat may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the [1](. . .) panchayat not exceeding fifteen rupees or in case of a continuing breach, not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the first breach.]

Procedure for the making of by-laws.

204. The district board [2] [[3](. . .) or panchayat] shall, before making or altering by-laws, publish a draft of the proposed by-laws and alterations together with a notice specifying a date at or after which such draft will be taken into consideration, and shall, before making the by-laws or alterations, receive and consider any objection or suggestion which may be made in respect of such draft by any person interested therein before the date so specified.

Confirmation of by-laws by Local Government.

[4] [**205.** No by-law or cancellation or alteration of a by-law made by a district board, [5] (. . .) or panchayat shall have effect until the same has been approved and confirmed by the Local Government.]

Procedure for making, and the publication of by-laws.

[4] [**205-A.** (1) Any by-law or cancellation or alteration of a by-law made by a district [6] (. . .) board when it has been duly confirmed shall be published in the district gazette in English.

(2) Any by-law or cancellation or alteration of a by-law made by a panchayat or made by a district board and relating to a village when it has been duly confirmed shall, unless a different method be prescribed under this Act, be written in, or translated into, the chief vernacular language of the locality and deposited at the office of the panchayat, and a copy shall be posted up in a conspicuous position at such office and such other places as the panchayat may direct. And a public proclamation shall be made throughout the

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[1] The words 'taluk board or' were omitted by section 46 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] The words 'taluk board or panchayat' were inserted by section 171 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[3] The words 'taluk board' were omitted by section 47 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[4] Sections 205 and 205-A were substituted for the original section 205 by section 172 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[5] The words 'taluk board' were omitted by section 47 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934.)

[6] The words 'or taluk' were omitted by section 48 (i) *ibid.*

village by a beat of drum or otherwise that such copy has been so posted up and that the original is open to inspection at the office of the panchayat.

(3) Any by-law or cancellation or alteration of a by-law made by a district board. [1](. . .) or panchayat shall come into operation three months after it has been so published under sub-section (1) or (2) as the case may be.]

Extension of the District Municipalities Act.

Extension to villages of the District Municipalities Act, 1920 or rules framed thereunder.

206. The Local Government may, at the request of the [2] [panchayat] and of the district board by notification in the *Fort St. George Gazette*, extend [3] [to the village or to any specified area therein.] any of the provisions of the Madras District Municipalities Act, 1920, or of any rules framed thereunder; and may declare such extension to be subject to such restrictions and modifications as they think fit.

CHAPTER XIII.—PENALTIES.

General provisions regarding penalties specified in the schedules.

207. (1) Whoever—

(*a*) contravenes any provision of any of the sections specified in the first column of Schedule VIII, or

(*b*) contravenes any rule or order made under any of the specified sections, 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,

shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any provision of the sections specified in the first column of Schedule IX, or

(*b*) contravening any rule or order made under any of the specified sections, 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,

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[1] The words 'taluk board' were omitted by section 48 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] This word was substituted for the words 'local board concerned' by section 173 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[3] These words were substituted for the words 'to any union or to any specified area under the jurisdiction of a local board' by section 173 (ii) *ibid.*

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 fourth column of the said schedule.

Explanation.—The entries in the third columns of Schedules VIII and IX headed 'Subject' are not intended as definitions of the offences described in the sections, sub-sections, or clauses mentioned in the first and second columns, or even as abstracts of those sections, sub-sections or clauses, but are inserted merely as references to the subject of the sections, sub-sections, or clauses, as the case may be.

Penalty for acting as member, president, or vice-president of a local board when disqualified.

[1] [**208.** (1) Whoever acts as a member of a local board knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold such office, shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

(2) Whoever acts as or exercises the functions of the president, temporary president or vice-president of a local board, knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold such office or to exercise such functions, shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the president, temporary president or vice-president of a local board fails to hand over any documents of, or any moneys or other properties vested in or belonging to, the local board which are in or have come into his possession or control to his successor in office or other prescribed authority, in every case as soon as his term of office as such president, temporary president or vice-president expires and in the case of the vice-president also on demand by the president, such president, temporary president or vice-president shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.]

Penalty for acquisition by an officer or servant of interest in contract work.

209. If any officer or servant of a local board knowingly acquires, directly or indirectly, by himself or by a partner or employer or servant, any personal share or interest in any contract or employment with, by or on behalf of, the local board, he shall be deemed to have committed an offence 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

[1] This section was substituted by section 174 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

in any contract entered into between such company and the local board unless he is a director of such company :

[1] [Provided further that nothing in this section shall apply to a teacher employed by a local board who, with the sanction of the Local Government, enters into a contract with the local board with regard to the utilization for the purpose of a school of any land or building owned by him or in which he has a share or interest.]

Wrongful restraint of president or his delegate.

210. Every person who prevents the president of a local board, or any person to whom the president 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.

Penalty for not giving or giving false information.

211. If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information—

(*a*) omits to furnish it, or

(*b*) knowingly furnishes false information,

such person shall be liable to a fine not exceeding Rs. 100.

PART VI.

CHAPTER XIV.—PROCEDURE AND MISCELLANEOUS

Licences and permissions.

General provisions regarding licences and permissions.

212. (1) Every licence and permission granted under this Act or any rule or by-law made under this Act 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 president of the local board concerned or by some person duly authorized by him in that behalf.

(2) Save as otherwise expressly provided in, or may be prescribed under, this Act, for every such licence or permission fees may be charged [2] [on such units and] at such rates as may be fixed by the local board.

(3) The local board may farm out the collection of such fees for any period not exceeding three years at a time on such conditions as it thinks fit.

(4) [3] [Every order of the authority competent under this Act or any rule or by-law made thereunder to pass an

[1] This proviso was added by section 175 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were inserted by section 176 (i) *ibid.*

[3] These words were substituted for the words ' Every order of the authority under this Act competent to pass an order ' by section 176 (ii) *ibid.*

order] refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(5) Subject to the special provisions in Chapter XI regarding private markets, [1][. . .] 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 president of the local board concerned, 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. An appeal shall lie to the local board concerned against any order of the president under this sub-section suspending or revoking a licence.

(6) It shall be the duty of the president 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 or regulations, any condition of a licence or permission or any lawful direction or prohibition 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 president 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 this Act, be deemed to be without a licence or permission, until the order suspending or revoking the licence or permission is cancelled, or, subject to sub-section (11), until the licence or permission is renewed, as the case may be.

(8) The grantee of every licence or permission shall at all reasonable times, while such licence or permission remains in force, produce the same at the request of the president.

[1] The words ' and subject to such appeal as may be provided in case of refusal of a licence or permission ' were omitted by section 176 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

(9) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission required by the provisions of this Act or 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 local board the amount of the fee chargeable for the licence or permission, [1] [and may, in his discretion, also recover summarily and pay over to the local board such amount, if any, as he may fix as the costs of the prosecution].

(10) Such recovery of the fee under sub-section (9) shall not entitle the person convicted to a licence or permission as aforesaid.

(11) The acceptance by [2] [or on behalf of] a local board of the pre-payment of the fee for a licence or permission shall not entitle the person making such prepayment to the licence or permission as the case may be, but only to refund of the fee in case of refusal of the licence or permission; but an applicant for the renewal of a licence or permission shall until communication of orders on his application be entitled to act as if the licence or permission had been renewed; and save as otherwise specially provided in this Act, if orders on an application for licence or permission are not communicated to the applicant within thirty days after the receipt of the application by the president, 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.

Limitation of time for appeal.

213. Save as otherwise expressly provided or may be prescribed, every appeal under this Act shall, subject to the provisions of section 5 of the Indian Limitation Act, 1908, [3] [be presented—

(*a*) where the appeal is against an order granting a licence or permission, within thirty days after the date of the publication of the order on the notice board of the local board; and

(*b*) in other cases, within thirty days after the date of the receipt of the order or proceeding against which the appeal is made].

Form of licences, notices and permissions.

214. (1) All licences, notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

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[1] These words were added by section 176 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were inserted by section 176 (v) *ibid.*

[3] These words were substituted for the words 'be presented within thirty days after the date of receipt of the order or proceeding against which the appeal is made' by section 177 *ibid.*

(2) Every licence, permission, notice, bill, 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 president or of any officer of a local board shall be deemed to be properly signed if it bears a facsimile of the signature of the president or of such officer, as the case may be, stamped thereon.

(3) Nothing in sub-section (2) shall be deemed to apply to a cheque drawn upon a local fund or to any deed or contract entered into by a local board.

Publication of notifications under the Act.

215. [1] [Save as otherwise provided, every notification other than one issued by the Local Government] shall be published in the official gazette of the district to which such notification applies, both in English and in a vernacular language of the district.

[2] [. . .]

Notice of prohibitions or setting apart of places.

[3] [**215-A.** Whenever a local board sets apart any place for any purpose or prohibits the doing of anything in any place, the president shall forthwith cause to be put up a notice in the chief vernacular language of the locality specifying the purpose for which such place has been set apart, or the act prohibited in such place.]

Method of serving documents.

216. (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 local area and his address elsewhere is known to the president, by sending the same to him by post registered ; or

(*d*) if none of the means aforesaid be available, by fixing 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.

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[1] These words were substituted for the words ' Every notification issued under this Act ' by section 178 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The proviso to section 215 was omitted by section 178 (ii) *ibid.*

[3] This section was inserted by section 179 *ibid.*

(3) Whenever in any bill, notice, [1] [form or other document] served or sent under this Act a period is fixed within which any tax or other sum is to be paid or any work executed, or any thing provided, such period shall, in the absence from this Act of any distinct provision to the contrary, be calculated from the date of such service or sending.

President's powers of entry and inspection.

Power of entry to inspect, survey or execute works.

217. The president of a local board, or any person authorized by him in this behalf, 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 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 part of a public building used as a dwelling place shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least six hours' previous notice of the intention to make such entry ;

(*c*) sufficient notice shall be given in every case, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women 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.

Inspection and stamping of weights and measures.

218. The president of a local board or any person authorized by him in this behalf may examine and test the weights and measures used in markets and shops in the area of the local board concerned with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code.

[1] These words were substituted for the words ' or form ' by section 180 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

Power to enforce licensing provisions, orders, etc.

Consequences of failure to obtain licences, etc., or of breach of the same.

219. If, under this Act, or any rule, by-law or regulation made under it, the licence or permission of a local board or its president is necessary for the doing of any act, and if such act is done without such licence or permission, or in a manner inconsistent with the terms of any such licence or permission, then—

(*a*) the president may by notice require the person so doing such act to alter, remove, or as far as practicable, restore to its original state the whole, or any part, of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice ; and further,

(*b*) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction by a magistrate to a fine not exceeding fifty rupees for every such offence.

Time for complying with notice order, etc., and power to enforce in default.

220. (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, the president of the local board concerned 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 ; and further,

(3) if no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall be liable on conviction by a magistrate to a fine not exceeding fifty rupees for every such offence.

Recovery of sums due as taxes.

[1][**221.** All costs, damages, compensation, penalties, charges, fees (other than school fees), expenses, rents (not being rents for lands and buildings demised by the local board), contributions and other sums which under this Act or any other law or rules or by-laws made thereunder are due by any person to the local board, may, if there is no special provision in this Act for their recovery, be demanded by bill as provided in the rules in Schedule IV and recovered in the manner provided therein.]

Limitation for recovery of dues.

222. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to a local board under this Act after the expiration of a

[1] This section was substituted by section 181 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

period of three years from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such sum.

Persons empowered to prosecute.

223. Save as otherwise expressly provided in this Act, no person shall be tried for any offence against the provisions of this Act, or of any rule, or by-law made under it unless complaint is made by the police, or the president of a local board, or by a person expressly authorized in this behalf by the local board or its president within three months of the commission of the offence. But nothing herein shall affect the provisions of the Code of Criminal Procedure, [1][1898], in regard to the power of certain magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion :

Provided that failure to take out a licence or obtain permission under this Act shall for the purposes of this section be deemed a continuing offence until the expiration of the period, if any, for which the licence or permission is required, and, if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Recovery of fines, costs, etc.

[2] [**224.** Any fine, costs, tax or other sum imposed or assessed by a magistrate under this Act or under any rule or by-law made under it shall be recoverable by such magistrate under the Code of Criminal Procedure, 1898, as if it were a fine and the same shall, on recovery, be paid to the local board concerned to be applied to the purposes of this Act.]

Act V of 1898.

Notice or action against local board.

[3] [**225.** (1) No suit or other legal proceeding shall be brought against any local board, or the president or any member, officer or servant thereof or against any person acting under the direction of such board, president, member, officer or servant in respect of any act done or purporting to be done 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 such rule, by-law, regulation or order until the expiration of two months next after notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff has been left at the office of the local board and if the proceeding is intended to be brought against any such

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[1] These figures were inserted by section 182 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This section was substituted by section 183 *ibid.*

[3] This section was substituted by section 184 *ibid.*

president, member, officer, servant or person, also delivered to him or left at his place of residence. And unless such notice be proved, the court shall find for the defendant.

(2) Every such proceeding shall unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, 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 local board or person to whom notice is given under sub-section (1) shall, before the proceeding is commenced, tender amends to the plaintiff, and if the plaintiff does not in any such proceeding recover more than the amount so tendered, he shall not recover any costs incurred by him after such tender. The plaintiff shall also pay all costs incurred by the defendant after such tender.

(4) No suit or other legal proceeding shall be brought against the president or any member, officer or servant of a local board or any person acting under the direction of a local board, or such president, member, officer or servant in respect of any act done 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 on his part in the execution of this Act, or any such rule, by-law, regulation or order, if such act was done or if such neglect or default was made in good faith ; but any such proceedings shall, so far as it is maintainable in a court, be brought against the local board, except in the case of suits brought under section **227**.]

Compounding of offences.

226. The president of a local board may compound any offence under this Act which may by rules made by the Local Government be declared compoundable.

Liability of the president and members for loss, waste or misapplication of property.

227. (1) Every member of a local board shall be liable for the loss, waste or misapplication of any money or other property owned by, or vested in, the local board 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 in any court of competent jurisdiction by the local board with the previous sanction of the Local Government or by the Secretary of State for India in Council.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Sanction for prosecution of president or member of a local board.

[1] [**227-A**. When the president or any member of a local board is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge

[1] This section was inserted by section 185 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

of his official duty, no court shall take cognizance of such offence except with the previous sanction of the Local Government.]

Assessments, etc., not to be impeached.

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

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

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto if the provisions of this Act, the rules and by-laws have in substance and effect been complied with: provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

Prohibition against obstruction of local boards, servants or contractors.

229. No person shall obstruct or molest a local board, its president, a member thereof, or any person employed by the local board, or any person with whom the president has entered into a contract on behalf of the local board, in the performance of their duty or of anything which they are empowered or required to do by virtue, or in consequence, of of this Act or of any by-law, rule, regulation or order made under it.

Prohibition against removal or obliteration of notice.

230. No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate any notice exhibited [2][or any sign or mark erected] by, or under the the orders of, a local board or its president.

President's powers to require karnams and headmen to furnish statements or returns.

231. (1) The president of a local board may, with the consent of the Collector and by an order in writing, require the karnam or headman, or both, of any [3][revenue village]

[1] This word was inserted by section 186 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were inserted by section 187 *ibid.*

[3] These words were substituted for the word 'village' by section 188 *ibid.*

comprised in the area of the local board to furnish, within a reasonable time, any statement, account or return in respect of such [1][revenue village] required for the purposes of this Act.

(2) No village officer shall without reasonable excuse omit to obey any order issued under sub-section (1).

President's power to summon parties.

232. The president of a local board 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 to the grant of any licence or permission under the provisions of this Act.

Local Government's powers of delegation and arbitration.

Delegation of powers by Government.

233. The Local Government may by notification authorize any person to exercise [2][in any local area, in regard to any local board or any class of local boards or all local boards in that area] any one or more of the powers vested in them by this Act except the power to make rules or alter or cancel schedules, [2][the power to determine the contribution payable under section 128 and the power to sanction prosecution under section 227-A] and may in like manner withdraw such authority.

Adjudication of disputes between local authorities.

[3][**234.** (1) When a dispute exists between a local board and one, or more than one, other local authority in regard to any matters arising under the provisions of this or any other Act and the Local Government are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the Local Government may take cognizance of the dispute, and

(*a*) decide it themselves, or

(*b*) refer it for inquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted under section 30 for the purpose.

(2) The report referred to in clause (*b*) of sub-section (1) shall be submitted to the Local Government who shall decide the dispute in such manner as they deem fit.

(3) The decision of the Local Government under clause (*a*) of sub-section (1) or under sub-section (2), as the case may be, shall be final and binding on each of the disputing local authorities.]

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[1] These words were substituted for the word 'village' by section 188 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were inserted by section 189 *ibid.*

[3] This section was substituted by section 190 *ibid.*

[1][*Miscellaneous.*]

235. (1) All property, all rights of whatever kind used, enjoyed, or possessed by, and all interests of whatever kind owned by or vested in or held in trust by, or for, a local board as constituted under the Madras Local Boards Act, 1884, as well as all liabilities legally subsisting against the said local board shall pass to the same local board as constituted under this Act. Passing of property and rights to local board as reconstituted.

(2) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a local board at the time this Act comes into force may be recovered as though they had accrued under this Act.

[2][**236.** Any sums which, at the commencement of this Act, have been accumulated out of the proceeds of any tax levied under clause (ii) of section 57 of the Madras Local Boards Act, 1884, or out of any investments of such proceeds may, subject to the conditions laid down in sub-section (3) of section 113, be utilized— Utilization of railway-cess accumulations.

Madras Act V of 1884.

(*a*) with the previous sanction of the Government of India, for all or any of the purposes specified in sub-section (1) of section 113 or

(*b*) with the previous sanction of the Local Government—

(i) for all or any of the purposes specified in sub-section (2) of section 113 or

(ii) for capital expenditure on other permanent works of utility provided that the construction of new roads, bridges, causeways and culverts shall have preference over other kinds of works.]

237. (1) This Act extends to the whole of the Madras Presidency except the City of Madras and the municipalities to which the Madras District Municipalities Act, 1920, applies. Extent and commencement of Act.

(2) It shall come into force on such date or dates as the Local Government may by notification appoint, and different dates may be appointed for different provisions of this Act, for different classes of local boards and for different parts of the Presidency :

Provided that the power to make or approve rules, by-laws and regulations may be exercised at any time after the publication of the assent of the Governor-General under section 81 of the Government of India Act, 1915 :

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[1] This heading was substituted for the original heading 'Transitional and transitory provisions' by section 191 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This section was substituted by section 192 *ibid.*

[1]Provided also that the Local Government may by notification apply or adapt to any scheduled district as defined in the Scheduled Districts Act, 1874, any section of this Act or part of any such section or any rule framed under the provisions of this Act, with such restrictions or modifications as they may think fit.

[**238.**[2] Omitted.]

[**239.**[2] Omitted.]

Special provision in the case of newly constituted and reconstituted local boards.

[**240.**[3] (1) Notwithstanding anything contained in this Act, when a local board is constituted for the first time, the Local Government may appoint a special officer to exercise the powers, discharge the duties and perform the functions of the local board and its president.

(2) The special officer shall cause arrangements for election to be made so that the newly elected members may come into office on a day within six months from the date [4][. . . [5](. . .) . . .] of the publication of the notification under [6][section 3-A, [7](. . .) or 5] as the case may be.

(3) The special officer shall exercise the powers, discharge the duties and perform the functions of the local board until the board has been constituted and of the president of the board until a president has been elected by the board.

(4) As soon as may be after the constitution of the board, a meeting of the board shall be held on a day and at a time fixed by the special officer for the election of its president. If, at such meeting, no president is elected, a fresh election shall be held on such day and at such time as may be fixed by the special officer.

(5) The term of office of the members or of the members elected in their places at casual vacancies shall [8][expire in such year and on such date therein as the Local Government may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary

[1] For the Act as adapted and applied to the Agency, *see* Notifications, *Fort St. George Gazette*, Part I, 1921 pages 764–765, 1924 pages 216-217.

[2] Sections 238 and 239 were omitted by section 193 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[3] This section was substituted by section 194 *ibid.*

[4] The words 'of the constitution of the revenue taluk or' were omitted by section 49 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[5] The words 'revenue district or' were omitted by section 5 (i) of the Madras Local Boards (Amendmont) Act, 1932 (Madras Act IV of 1932).

[6] These words, figures and letter were substituted for the words and figures 'section 4 or 5' by section 5 (i) *ibid.*

[7] The figure '4' was omitted by section 49 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[8] These words were substituted by section 6 of the Madras Local Boards (Amendment) Act, 1935 (Madras Act XIII of 1935).

elections immediately succeeding such elections are to be held for any local board in the same district. The date so fixed shall not be later than the thirty-first day of December.]

(6) The provisions of sub-sections (1) to (5) shall apply save as otherwise provided in this Act and so far as may be, to all cases of reconstitution of local boards.

(7) When the number of seats on a local board is increased by or in consequence of a notification under section 10, the members elected for the additional seats or the members elected in their places at casual vacancies, shall hold office until the date on which the members elected to the original seats at the ordinary elections immediately preceding, will vacate office.

(8) (*a*) The Local Government may pass such orders as they may deem fit as to the disposal of the property vested in a local board which has ceased to exist and as to the disposal of the property vested in a local board and situated in a local area in which such board has ceased to exercise jurisdiction.

(*b*) If any notification [1](declaring any local area to be a district [2](. . .) or village under section 3-A [3](. . .) or 5] is cancelled, the Local Government may pass such orders as they may deem fit as to the disposal of the property vested in the [4][district board, [5](. . .) or panchayat as the case may be.]

SCHEDULE I.

Enactments Repealed.

(*See* section 2.)

Year.	Number.	Short title.	Extent of repeal.
1884	V	The Madras Local Boards Act, 1884.	The whole.
1890	III	The Madras Local Boards and Rent Recovery (Amendment) Act, 1890.	So much of it as has not been already repealed.
1900	VI	The Madras Local Boards Act (Amendment) Act, 1900.	The whole.

[1] These words, figures and letter were substituted for the words and figures ' declaring any local area to be a taluk or village under section 4 or 5 ' by section 5 (ii) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

[2] The word ' taluk ' was omitted by section 49 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] The figure ' 4 ' was omitted by section 49 (ii) *ibid.*

[4] These words were substituted for the words ' taluk board or panchayat ' by section 5 (ii) of the Madras Local Boards (Amendment) Act, 1932 (Madras Act IV of 1932).

[5] The words ' taluk board ' were omitted by section 49 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

Year.	Number.	Short title.	Extent of repeal.
1901	XI	The Repealing and Amending Act, 1901 (India).	So much of the second schedule as relates to the Madras Local Boards Act, 1884.
1913	III	The Madras District Municipalities and Local Boards (Amendment) Act, 1913.	So much of it as has not been already repealed.
1914	VIII	The Madras Decentralization Act, 1914.	So much of the schedule as relates to the Madras Local Boards Act, 1884.

SCHEDULE II.

RULES REGARDING PROCEEDINGS OF LOCAL BOARDS.

(*See* section 31.)

[1][1. Every local board shall provide an office in such place as may be fixed by the Local Government.]

[1] [2. Every district [2] (. . .) board shall meet at least once in two months, and every panchayat at least once in every month for the transaction of business upon such days and at such times as it may arrange and also at other times as often as a meeting shall be called by the president.]

[1] [3. (1) No meeting shall be held unless notice of the day and time when the meeting is to be held and of the business to be transacted thereat has been given at least three clear days before the day of the meeting in the case of panchayats and at least ten clear days before the day of the meeting in the case of district [3] (. . .) boards.

(2) In cases of urgency, the president may convene a meeting on giving shorter notice than that specified in sub-rule (1).]

[1] [4. (1) The president of a local board, shall on the requisition in writing of not less than one-third of the members then on the board, convene a meeting of the board, provided that the requisition specifies the day when and the purpose for which the meeting is to be held. The requisition shall be delivered at the office of the local board during office hours to the president, secretary, manager or any other person who may then be in charge of the office,

at least ten clear days before the day of the meeting in the case of panchayats, and

at least fifteen clear days before the day of the meeting in the case of district (. . .)[3] boards.

(2) If the president fails within forty-eight hours from the delivery of such requisition, to call a meeting on the day specified therein, or within three days thereafter, the meeting may be called

[1] Rules 1 to 4 were substituted for the original rules 1 to 3 by section 195 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words 'or taluk' were omitted by section 50 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] The words 'and taluk' were omitted by section 50 (ii) *ibid.*

by the members who signed the requisition on giving the notice provided for in sub-rule (1) of rule 3 to the other members of the board.

(3) No meeting under sub-rule (1) or sub-rule (2) shall be convened at any place other than the place where the office of the board is situated.]

[1][5.] All the meetings of a local board shall be open to the public, provided that the presiding member may, in any particular case, direct that the public generally or any particular person shall withdraw.

[1] [6.] All questions which may come before a local board at any meeting shall be decided by a majority of the members present and voting at the meeting and, in case of equality of votes, the presiding member shall have [2] [and exercise] a second or casting vote.

[1] [7.] No business shall be transacted at a meeting of any local board unless there be present at least one-third of the number of members then on the local board.

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

[1] [9.] No resolution of a local board shall be modified or cancelled within three months after the passing thereof, except at a meeting specially convened in that behalf and by a resolution of the board supported by [3] [. . .] not less than one-half of the sanctioned number of members.

[1] [10.] Minutes of the proceedings at [4] [every meeting] of a local board shall be drawn up and entered in a book to be kept for that purpose and shall be signed by the [5] [presiding member] or in his absence by some one of the members present thereat ; and the said minutes shall, at all reasonable times and without charge, be open at the office of the local board to the inspection of any person who pays any tax under this Act.

[1] [11.] (1) A copy of the minutes of the proceedings at [6] [every meeting of a district [7] (. . .) board] shall be sent for publication in the district gazette in English and in a vernacular langua ge

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[1] Rules 4 to 12 were renumbered as rules 5 to 13, respectively, and original rule 13 was omitted by section 196 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were inserted by section 196 (i) *ibid.*

[3] The words ' votes of ' were omitted by section 196 (ii) *ibid.*

[4] These words were substituted for the words ' each meeting ' by section 196 (iii) (*a*) *ibid.*

[5] These words were substituted for the words ' president or the member who presided at such meeting ' by section 196 (iii) (*b*) *ibid.*

[6] These words were substituted for the words ' a district or taluk board meeting ' by section 196 (iv) (*a*) *ibid.*

[7] The words ' or taluk ' were omitted by section 50 (iii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

of the district at the cost of the [1] [district (. . .) fund [2] (. . .)] to such person and within such time as may be prescribed.

[3] [(2) A copy of the minutes of the proceedings at every meeting of a panchayat shall, within three days of the date of the meeting, be forwarded to the president of the [4] (district) board.]

[5] [(3) Any minute of dissent in respect of the proceedings referred to in sub-rule (2) that may have been received within forty-eight hours of the meeting from any member present thereat shall also be forwarded along with the copies of the minutes of the proceedings referred to therein.]

[5] [(4) A copy of the minutes referred to in sub-rules (2) and (3) shall also be forwarded to the district collector to such extent, within such time and in such manner as may be prescribed.]

[6] [12. The president of a local board shall have the custody of the proceedings and records of the board and [7] (of the standing and other committees thereof) and may grant copies of any such proceedings or records on payment of such fees as the district board may, by general or special order, determine. Copies shall be certified by the president, as provided in section 76 of the Indian Evidence Act, 1872, and copies so certified may be used to prove the proceedings and records of the board or committee in the same manner as the proceedings of a municipal body may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body.]

[8] [13.] The proceedings of [9] [every standing or other committee] appointed by a local board shall be recorded in writing and submitted to the board.

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[1] The words 'district or taluk fund as the case may be' were substituted for the words 'local fund' by section 196 (iv) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words 'as the case may be' were omitted by section 50 (iii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] Sub-rules (2), (3) and (4) were substituted for sub-rules (2) and (3) by section 196 (iv) (*b*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] This word was substituted for the word 'taluk' by section 50 (iv) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[5] These sub-rules were substituted for sub-rules (2) and (3) by section 196 (iv) (*b*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[6] This rule was substituted by section 196 (v) *ibid.*

[7] These words were substituted for the words 'of the committees thereof' by section 50 (v) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[8] Rules 4 to 12 were renumbered as rules 5 to 13 respectively and original rule 13 was omitted by section 196 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[9] These words were substituted for the words 'every committee' by section 50 (vi) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

SCHEDULE III.

ELECTORAL QUALIFICATIONS.

(*See* [1] [section 52 (c)].)

[2] [*Local*] *board electors.*

[3] [1. A person shall be qualified as an elector of a district board, [4] [. . .] or panchayat who—

(*a*) was in the previous year assessed to any tax payable to the Government of India or to the Local Government or to any local authority in the Presidency of Madras ; or

(*b*) is registered as a ryotwari pattadar, or as an inamdar, of land in the district, [. . .] or village, as the case may be ; or

(*c*) holds land in the district, [5] [. . .] or village on a written lease or demise, under a ryotwari pattadar or an inamdar or any tenant under such pattadar or inamdar ; or

Madras Act III of 1896.

(*d*) is registered jointly with the proprietor under section 14 of the Malabar Land Registration Act, 1895, as the occupant of land in the district, [5] [. . .] or village, or

Madras Act I of 1908.

(*e*) holds an estate in the district, [5] [. . .] or village, as a landholder as defined in the Madras Estates Land Act, 1908 ; or

Madras Act I of 1908.

(*f*) holds land in the district, [5] [. . .] or village as ryot or as tenant under a landholder, as defined in the Madras Estates Land Act, 1908 , or

(*g*) is a retired, pensioned, or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.]

[6] [. . .]

[2. [6] Omitted.]

General.

[7] [3. If property is held by, or tax is assessed upon, a company or association, or the members of a family jointly, or joint pattadars, the company or association or the family or joint pattadars shall be treated as possessing the qualification, and the person entitled to be registered in the electoral roll shall be the secretary of the company or association or some other person duly authorized

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[1] This word, figures and letter were substituted for the word and figures 'section 52' by section 197 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This word was substituted for the word 'taluk' by section 197 (i) *ibid.*

[3] This rule was substituted by section 197 (ii) *ibid.*

[4] The words 'taluk board' were omitted by section 51 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 Madras Act II of 1934)

[5] The word 'taluk' was omitted by section 51 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[6] The heading and rule 2 were omitted by section 197 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[7] This rule was substituted by section 197 (iv) *ibid.*

in that behalf or the member authorized by a majority of the family or of the joint pattadars, or, in the case of a joint Hindu family, either a member so authorized or, in default of such authorization, the manager thereof.]

4. A person may be qualified either in his personal capacity or in the capacity of a representative [1] [of a company or association or] of a joint family or of joint pattadars, but not in both capacities.

5. Save as provided in rule 3, no person shall be qualified as an elector unless he possesses the prescribed qualifications [2] [in his personal capacity.]

SCHEDULE IV.

TAXATION RULES.

(*See* sections 92, 93, 95, 98 and 104.)

PART I.—LAND-CESS.

1. The district collector shall be responsible for the assessment and collection of the land-cess.

2. [3][Omitted.]

3. The district collector shall cause to be paid to the [4] [local fund concerned] the net proceeds of the land-cess collected under the authority conferred on him by this Act.

4. The district collector shall annually, at such times [5] [as the Local Government may, by general or special order direct,] render to the local board concerned an estimate of the probable gross receipts and charges of collection of the land-cess to be collected by him under this Act.

PART II.—OTHER TAXES.

[6] [*Provisions common to other taxes in general.*]

5. (1) [7] [The president of a panchayat] shall prepare and keep separate assessment books showing the companies and persons liable to the [8] [. . .] profession tax and the house-tax.

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[1] These words were inserted by section 197 (v) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'in his own personal right and not in a fiduciary capacity' by section 197 (iv) *ibid.*

[3] This rule was omitted by section 198 *ibid.*

[4] These words were substituted for the words 'the district or taluk fund' by section 199 *ibid.*

[5] These words were substituted for the words 'as may be prescribed' by section 200 *ibid.*

[6] This heading was substituted by section 201 *ibid.*

[7] These words were substituted for the words 'A local board' by section 202 (i) *ibid.*

[8] The words 'the companies tax' were omitted by section 202 (i) *ibid.*

(2) The assessment books [1] [and where detailed particulars relating to any assessment are kept in separate records the portion thereof containing such particulars] shall be open at all reasonable times and without charge to inspection by [2] [any person who pays any tax to the panchayat and such person or agent shall be entitled to take extracts, free of charge, from the said books and records] or his authorized agent.

(3) The account books of a local board shall be open without charge to inspection by [3] [any person who pays any tax to the local board or his authorized agent] on a day or days in each month to be fixed by the local board.

[4] [(4) (*a*) If at any time it appears to the panchayat that any company or person or any property has been inadequately assessed or inadvertently or improperly omitted from the assessment books relating to any tax, or that there is any clerical or arithmetical error in the said books, it may direct the president to amend the said books in such manner as it deems just or necessary :

Provided that no such direction shall be given, where it involves an increase in the assessment, unless the company or person concerned shall have been afforded a reasonable opportunity to show cause why the assessment books should not be amended as proposed.

(*b*) Such amendment shall be deemed to have taken effect on the earliest date either in the current half-year or in the two half-years immediately preceding it on which the circumstances justifying the amendment existed.]

[5] [6. The president shall, save as otherwise provided in this Act, determine the tax to which each company, person or property is liable :

Provided that in the case of taxes payable by the president, the assessment shall be made by the panchayat.]

7. (1) The president shall give to every person making payment of a tax a receipt therefor signed by him or by some person duly authorized by him in that behalf.

(2) Such receipt shall specify—

(*a*) the date of the grant thereof,
(*b*) the name of the person to whom it is granted,
(*c*) the tax in respect of which the payment has been made,
(*d*) the period for which payment has been made, and
(*e*) the amount paid.

[6] [. . .]

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[1] These words were inserted by section 202 (ii) (*a*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'any tax-payer' by section 202 (ii) (*b*) *ibid.*

[3] These words were substituted for the words 'any tax-payer' by section 202 (iii) *ibid.*

[4] This sub-rule was substituted by section 202 (iv) *ibid.*

[5] This rule was substituted by section 203 *ibid.*

[6] The heading and rule 8 were omitted by section 204 *ibid.*

8. [1] [Omitted.]

[2] [Assessment of the profession tax.]

[2] [**9.** (1) The classes into which companies and persons shall, for the purposes of assessment to the profession tax, be divided and the maximum half-yearly tax leviable on each class shall be as follows :—

Class.	Half-yearly income.			Maximum half-yearly tax.	
	RS.		RS.	RS.	A.
I	More than 21,000		..	275	0
II	„ 18,000	but not more than	21,000	225	0
III	„ 12,000	„	18,000	150	0
IV	„ 9,000	„	12,000	85	0
V	„ 6,000	„	9,000	55	0
VI	„ 4,200	„	6,000	28	0
VII	„ 3,000	„	4,200	20	0
VIII	„ 1,800	„	3,000	10	0
IX	„ 1,200	„	1,800	6	0
X	„ 600	„	1,200	3	0
XI	„ 300	„	600	1	8
XII	„ 150	„	300	0	8

(2) The district board shall determine the tax leviable on each class subject to the maximum specified in sub-rule (1) :

Provided that the proportion which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class.

(3) The district board may exempt any one or more of the classes in sub-rule (1) from liability to profession tax, but no class shall be exempted from liability when any lower class is liable to tax.]

[2] [**10.** A company or person shall be deemed to have transacted business or exercised a profession, art, or calling or held an appointment within a local area if such company or person has an office or place of employment within such local area.]

[2] [**11.** (1) Where a company or person transacts [3] (any business other than money-lending) in any half-year exclusively in the area of a single local board, the income of such company or person from the transaction of such business shall, for the prupose of levying profession tax under this Act during the half-year, be deemed to be—

(*a*) where income-tax is assessed on such company or person under the Indian Income-tax Act, 1922, for the year comprising the half-year, one-half of the amount at which the profits and gains of such business are computed under section 10 of the Indian Income-tax Act, 1922, for the purpose of assessing the income-tax ; and Act XI of 1922. Act XI of 1922.

[1] The heading and rule 8 were omitted by section 204 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The heading and rules 9 to 11-A were substituted for the original heading and rules 9 to 11 by section 205 *ibid.*

[3] These words were substituted for the word 'business' by Notification No. 716, L. & M., dated 30th March 1931, published on page 345 of Part I-A of the *Fort St. George Gazette*, dated 14th April 1931.

(*b*) where the amount of the said profits and gains is not ascertainable, or where such company or person is not assessed to income-tax, such [1] (percentage or percentages) as the Local Government may, subject to the approval of the Legislative Council, [2] (determine), of the turnover of [3] (such business) transacted in the area of the local board during the half-year or where this is also unascertainable, during the corresponding half-year of the previous year.

(2) Where a company or person transacts [4] (any business other than money-lending) partly in the area of a local board and partly outside such area, the income of such company or person from the [5](transaction of such business) in the area of the local board shall, for the purpose of levying profession tax under this Act, be deemed to be the percentage referred to in clause (*b*) of sub-rule (1) of the [6] (turnover of such business) transacted in such area during the half-year or the corresponding half-year of the previous year as the case may be.

(3) For the purposes of clause (*b*) of sub-rule (1) and sub-rule (2), the turnover of business in any local area means the aggregate money value of the goods produced, manufactured, purchased or sold or of [7] (any other business except money-lending) transacted in such local area.

Explanation.—In determining the turnover of business under this sub-rule—

(*a*) where the delivery of any goods on account of any purchase made by any company or person and the delivery on account of the sale thereof by the same company or person are both effected in the Presidency of Madras, only the latter transaction shall be taken into account ;

(*b*) where the delivery of any goods on account of any purchase made by any company or person is effected in any place outside the said Presidency and the delivery on account of the sale thereof by the same company or person is effected in any place in the said Presidency, the latter transaction shall be taken into account ; and

(*c*) where the delivery of any goods on account of any purchase made by any company or person is effected in any place in the said Presidency and the delivery on account of the sale thereof by the same company or person is effected in any place outside the said Presidency, the former transaction shall be taken into account.]

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[1] These words were substituted for the word 'percentage' by Notification No. 716, L. & M., dated 30th March 1931, published on page 345 of Part I-A of the *Fort St. George Gazette*, dated 14th April 1931.

[2] This word was substituted for the word 'prescribe' by *ibid.*

[3] These words were substituted for the words 'the business' by *ibid.*

[4] These words were substituted for the word 'business' by *ibid.*

[5] These words were substituted for the words 'transaction of business' by *ibid.*

[6] These words were substituted for the words 'turnover of the business' by *ibid.*

[7] These words were substituted for the words 'any other business' by *ibid.*

[1][11-A. (1) If, in the opinion of the president of the panchayat, profession tax is due from any company or person for any half-year, he shall serve a notice on such company or person either in that half-year or in the succeeding half-year requiring the company or person to furnish within such period, not being less than thirty days as may be specified in the notice, a return in the prescribed form showing the income on the basis of which, according to such company or person, it or he is liable to be assessed to profession tax for the half-year in question. Thereupon it shall be open to such company or person to submit a return showing the income derived by it or him during the half-year for which profession tax is claimed or for the corresponding half-year of the previous year and produce any evidence on which the company or person may rely in support of the return made.

(2) If a return is made as required under sub-rule (1) and the president is satisfied that it is correct and complete, he shall levy the profession tax from such company or person on the basis of such return.

Explanation.—In cases not falling under clause (*b*) of sub-rule (1) or under sub-rule (2) of rule 11, if the company or person produces the notice of demand of income-tax served on it or him under section 29 of the Indian Income-tax Act, 1922, for the year comprising the half-year in question, the president shall be bound to take one-half of the income mentioned in such notice of demand as the income derived from the sources on which profession tax is leviable under this Act, as the income on the said sources for the purposes of levying profession tax. Act XI of 1922.

(3) If no return is made as required under sub-rule (1) or if the president is satisfied that any return so made is incorrect or incomplete, the president shall assign to the company or person the class in the scale appropriate to the half-yearly income of such company or person as estimated by him.

(4) The president may, when classifying any company or person under sub-rule (3), do so on general considerations with reference to the nature and reputed value of the business transacted, the size and rental of residential and business premises, the quantity and number of articles dealt with, the number of persons employed and the income-tax paid to Government.

(5) The president shall not be entitled to call for the accounts of any company or person.]

Assessment of [house-tax.] [2]

12. The [3][panchayat] may resolve to assess houses for the purposes of the house-tax either on their capital or their annual value; but shall not assess them [4][on any other principle.]

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[1] Rules 9 to 11-A and the heading thereto were substituted for the original heading and rules 9 to 11 by section 205 of the Madras Local Boards Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'tax on houses' by section 206 *ibid.*

[3] This word was substituted for the words 'union board' by section 207 *ibid.*

[4] These words were substituted for the words 'on any principle other than that of valuation' by section 207 *ibid.*

13. The district board [1][or the Local Government], in fixing the [2] [rates of tax under sections 75 and 77,] shall fix them on the capital value or annual value, as the case may be, for different [3] [villages] according to the method of assessment which each [4] [panchayat] has resolved to adopt.

14. The rates fixed by the district board [5] [or the Local Government] may be proportionate to the value of each house, or may advance in systematic progression with the value of the house; but shall in no case [6] [decrease] as the value of the house increases.

[7] [15. When a proportionate rate has been adopted by the district board or the Local Government, the panchayat may group the houses in the village in classes to simplify the calculation and collection of the tax. When a progressive rate has been adopted by the district board or the Local Government, it or they shall prescribe principles of classification (as that a certain sum, which shall be tax-free, shall be deducted from the assessment of each house, or that the progression shall be from a certain percentage in the lowest to a certain percentage in the highest class), but shall leave it to the panchayat to settle the precise number and limits of each class. The panchayat shall not in either case so arrange the classes as to affect substantially the principle of taxation, whether proportionate or progressive, adopted by the district board or the Local Government and the number of classes shall in no case be less than six.]

[7] [16. The panchayat may by resolution exempt any house in a village from the house-tax—

(i) if the value of the house does not exceed a sum specified in the resolution, such sum not being greater than two hundred and forty rupees if the tax is assessed on capital value or twelve rupees if the tax is assessed on annual value; and

(ii) (*a*) if the owner of the house does not own any other house in the village or

(*b*) if the aggregate capital or annual value of all the houses in the village owned by him does not exceed two hundred and forty rupees or twelve rupees, as the case may be.]

17. Where the tax is assessed on the annual value, such value shall be deemed to be the gross annual rent at which the house 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.

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[1] These words were inserted by section 208 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words and figures were substituted for the words and figures 'rates of assessment under section 77' by section 208 *ibid.*

[3] This word was substituted for the word 'unions' by section 208 *ibid.*

[4] This word was substituted for the words 'union board' by section 208 *ibid.*

[5] These words were substituted for the words 'district board' by section 209 *ibid.*

[6] This word was substituted for the words 'systematically decrease' by section 209 *ibid.*

[7] Rules 15 and 16 were substituted for the original rules 16 and 15 by section 210 *ibid.*

[1] [**18.** (1) In the case of

(i) any Government or railway building or

(ii) any building of a class not ordinarily let, the gross annual rent of which cannot, in the opinion of the president of the panchayat, be estimated,

the capital value of the building shall be deemed to be the total of the estimated value of the land and the estimated present cost of erecting the building after deducting for depreciation a reasonable amount which shall in no case be less than ten per centum of such cost and its annual value shall be deemed to be six per centum of such total.

(2) Machinery and furniture shall be excluded from valuations under sub-rule (1).]

19. An additional tax may be levied [2] [in accordance with these rules] to form a fund [3] [for any public improvement,] such as the provision of a water or drainage system for the whole or any part of any [4] [village]. A separate account shall be kept of the receipts into, and expenditure from, [each] [5] such fund.

[6] [**20.** The karnam having jurisdiction over any area comprised in the village shall, on the requisition of the president of the panchayat, prepare and furnish to the president a list of all houses within such area and shall enter in the list the names of owners and occupiers of such houses.]

21. The karnam shall be entitled, for the preparation of such [7] [list], to receive such remuneration (if any) [8] [as the panchayat may, subject to the rules made by the Local Government, fix.]

22. The president of the [9] [panchayat] shall, on the receipt of the lists mentioned in the last preceding [10] [rule] cause tax-books to be prepared. Such tax-books shall show in distinct columns the names of the owner and of the occupier of each house, the class [11] [if any] under which such house [12] [is taxed,] the amount of the tax due and the date on which the tax is payable.

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[1] This rule was substituted by section 211 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were inserted by section 212 (i) *ibid.*

[3] These words were substituted for the words 'for public improvements' by section 212 (ii) *ibid.*

[4] This word was substituted for the word 'union' by section 212 (ii) *ibid.*

[5] This word was inserted by section 212 (iii) *ibid.*

[6] This rule was substituted by section 213 *ibid.*

[7] This word was substituted for the word 'lists' by section 214 *ibid.*

[8] These words were substituted for the words 'as the union board may fix' by section 214 *ibid.*

[9] This word was substituted for the words 'union board' by section 215 (i) *ibid.*

[10] This word was substituted for the word 'section' by section 215 (i) *ibid.*

[11] These words were inserted by section 215 (ii) *ibid.*

[12] These words were substituted for the words 'shall be taxed' by section 215 (i) *ibid.*

23. As soon as the tax-books are prepared, the president of the [1] [panchayat] shall give public notice thereof by beat of drum [2] [in the village] and of the place or places where the books may be inspected.

[3] [24. (1) The president may amend the tax-books at any time by inserting therein or removing therefrom any property or by altering the classification of, or the amount of tax payable in respect of, any property; and notice of every such amendment shall be given to the person or persons interested therein.

(2) Such amendment shall be deemed to have taken effect on the first day of the half-year in which it is made :

Provided that when the amendment is made in any half-year after the demand notice for that half-year has been issued, it shall have effect only from the succeeding half-year.]

[4] [24-A. Any person may, at any time, not being less than thirty days before the end of a half-year, move the president by revision petition to reduce the tax to which he is liable for the forthcoming half-year on the ground that the capital or annual value as the case may be, of the house in respect of which the tax is imposed has decreased since the assessment of the house was last made or revised.]

25. The president of the [5] [panchayat] shall not be bound to cause new lists or tax-books to be prepared every [6] [half-year] but may adopt those of the preceding [7] [half-year] with such [8] [amendments] as he may deem necessary : provided that a fresh general assessment shall be made not less than once in five years. Public notice of such [7] [amendments] shall be given in the manner provided in [8] [rule 23].

[9] [. . .]

26. [9] [Omitted.]

Appeals.

[10] [27. An appeal shall lie to the panchayat in respect of the assessment and imposition of the following taxes and of no others :—

(*a*) the proceedings of the president under rules 11-A, 22, 24 and 25 ; and

(*b*) the order of the president under rule 24-A upon a revision petition.]

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[1] This word was substituted for the words 'union board' by section 216 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'in the union' by section 216 *ibid.*

[3] This rule was substituted by section 217 *ibid.*

[4] This rule was inserted by section 218 *ibid.*

[5] This word was substituted for the words 'union board' by section 219 *ibid.*

[6] This word was substituted for the word 'year' by section 219 *ibid.*

[7] This word was substituted for the words 'alterations and amendments' by section 219 *ibid.*

[8] This word and these figures were substituted for the words and figures 'rules 23 and 24' by section 219 *ibid.*

[9] This rule and the heading thereto were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[10] This rule was substituted by section 221 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

28. No appeal to a [1] [panchayat] shall be heard—

(i) unless it reaches the office of the [1] [panchayat] within thirty days after the tax complained of has been demanded, and

[2] [(ii) unless (except when the president otherwise directs on the ground of poverty) the tax in respect of which the appeal is presented has been paid or deposited at the office of the panchayat within the period specified in clause (i).]

29. The [3] [panchayat] may, of its own motion or otherwise, cancel or modify any order passed by the president reducing or remitting a tax.

30. The assessment books shall be corrected in accordance with any orders passed by the [4] [panchayat] on appeal; in the event of the amount of any tax being [5] [reduced] or remitted by the [4] [panchayat] the president shall grant a refund accordingly.

31. The assessment or demand of any tax, when no appeal is made as hereinbefore provided, and [6] [when such an appeal is made, the adjudication of the panchayat thereon,] shall be final :

[7] [Provided that where any assessment or demand is not in accordance with the assessment books, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.]

Collection of taxes.

[8] [**32.** (1) Where any tax not being a tax in respect of which a notice has to be served under section 96 is due from any person, the president of the local board shall serve upon such person a bill for the sum due before he proceeds to enforce the provisions of rule 33.

(2) A notice under section 96 and a bill under sub-rule (1) of rule 32 shall be signed by the president or some person authorized by him in that behalf and shall contain—

(*a*) a statement of the period and a description of the occupation, property or thing for which the tax is charged ; and

(*b*) a notice of the liability incurred in default of payment.

(3) No tax for any half-year shall be payable by any person unless the notice or bill is served upon such person either within that half-year or in the succeeding half-year :

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[1] This word was substituted for the words 'local board' by section 222 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This clause was substituted by section 222 (ii) *ibid.*

[3] This word was substituted for the words 'local board' by section 223 *ibid.*

[4] This word was substituted for the words 'local board' by section 224 *ibid.*

[5] This word was substituted for the word 'decreased' by section 224 *ibid.*

[6] These words were substituted for the words 'the adjudication of an appeal by the local board' by section 225 (1) *ibid.*

[7] This proviso was added by section 225 (2) *ibid.*

[8] This rule was substituted by section 226 *ibid.*

Provided that where the assessment books have been amended under sub-rule (4) of rule 5, the notice or bill, as the case may be, may be served either in the half-year in which the amendment was made or in the succeeding half-year.]

33. (1) If the amount due on account of any tax is not paid within fifteen days from the service [1][. . .] of the notice or bill and if the person from whom the tax is due has not shown cause to the satisfaction of the president why it should not be paid, the president may recover, by distraint under his warrant and sale of the movable property of the defaulter, the amount due on account of the tax together with the warrant fee and the distraint fee and with such further sum as will satisfy the probable charges that will be incurred in connexion with the detention and sale of the property so distrained :

Provided always that movable property described in the proviso to section 60 of the Code of Civil Procedure, 1908, shall not be liable to distraint.

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

(3) Nothing herein contained shall preclude the local board from suing in a civil court for any [2][tax] due to it under this Act.

(4) The warrant under sub-rule (1) shall be in the form contained in Appendix A to these rules or in some similar form ; and for each such warrant a fee of two annas [3][shall be levied].

(5) Under a special order in writing of the president, 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 any 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.

34. (1) The officer charged with the execution of a warrant shall, before making the distraint, demand payment of the tax due and warrant fee. If the tax and fee are paid, no distraint shall be made, [4][but, if the tax or fee is not paid,] the officer shall—

(*a*) seize such movable property of the defaulter as he may think necessary ;

(*b*) make an inventory of the property seized ; and

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[1] The words ' or sending ' were omitted by section 227 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This word was substituted for the word ' amount ' by section 227 (ii) *ibid.*

[3] These words were substituted for the words ' shall be leviable ' by section 227 (iii) *ibid.*

[4] These words were substituted for the words ' but, if not ' by section 228 (i) (*a*) *ibid.*

(*c*) give to the person in possession of the property seized, at the time of seizure, a copy of the inventory and the notice of sale in the form in Appendix B to these rules or in some similar form :

[1] [Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.]

(2) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible [2] [equal in value to to the tax] due by the defaulter together with all expenses incidental to the warrant, distraint, detention and sale.

35. (1) If the amount due by the defaulter on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 34, and if the distraint warrant is not suspended by the president, the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the president, who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person, in whose possession the property was at the time of seizure, any property or sum which may remain after the sale and the application of the proceeds thereof as aforesaid. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the president may [3] [again proceed under rule 33] in respect of the sum remaining unpaid.

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

(3) The president shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the president decides that the property attached was not liable to distraint, he shall return it, or, if it has already been sold, the proceeds of the sale, to the person appearing to be entitled thereto, and may again proceed under rule 33 ; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the president that he wilfully permitted the distraint of the property [4] [when to his knowledge it was not liable] to distraint.

36. (1) Distraint fees shall be payable at such rates not exceeding those mentioned in Appendix C to these rules as may be determined by the local board.

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[1] This proviso was added by section 228 (i) (*b*) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words were substituted for the words 'proportionate in value to the sum 'by section 228 (ii) *ibid.*

[3] These words were substituted for the words 'again proceed under rule 32 ' by section 229 (i) *ibid.*

[4] These words were substituted for the words 'which to his knowledge was not liable ' by section 229 (ii) *ibid.*

(2) Such fees shall not be held to include the expenses incidental to the detention of any property distrained under this Act.

37. The property of a person in default under [1] [sub-rule (1) of rule 33] may be distrained wherever it may be found within the area of the local board.

38. If the tax due on account of any building [2] [remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 33,] the president may, if the said tax has not remained unpaid for more than twelve months, require the occupier for the time being of [3] [such building] to pay the amount within a specified period [4] [not being less than fifteen days ;] and if the occupier fails to comply with [5] [such requistiion,] the president may distrain and sell any movable property [6] [found on the building,] and the provisions of the foregoing rules shall, *mutatis mutandis*, apply to all distraints and sales effected under this rule : provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this rule, unless he has wilfully prevented distraint or a sufficient distraint.

39. (1) Every person who is prosecuted [7] [under sub-rule (2) of rule 33] shall be liable, on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented distraint or a sufficient distraint, to pay a fine not exceeding twice the amount which may be due by him on account of—

(*a*) the tax and the warrant fee, if any, and

(*b*) if distraint has taken place, the distraint fee and the expenses incidental to the retention and sale, if any, of the property distrained [8] [. . .].

[9] [(2) Whenever any person is convicted of an offence under sub-rule (1), the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the local board the amounts, if any, due under the heads specified in clauses (*a*) and (*b*) of sub-rule (1) and may in his discretion also recover summarily and pay to the local board such amount, if any, as he may fix as the costs of the prosecution.]

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[1] These words and figures were substituted for the word and figures 'rule 33' by section 230 . of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] These words and figures were substituted for the words and figures 'remains unpaid at the end of the period mentioned in rule 33' by section 231 (i) *ibid.*

[3] These words were substituted for the words 'such building or land' by section 231 (ii) *ibid.*

[4] These words were inserted by section 231 (iii) *ibid.*

[5] These words were substituted for the words 'this requisition' by section 231 (iv) *ibid.*

[6] These words were substituted for the words 'found on the premises by section 231 (iv) *ibid.*

[7] These words and figures were substituted for the words and figures under rule 33' by section 232 (i) (*a*) *ibid.*

[8] The words ' and he shall also pay the said amount and the cost of the prosecution' were omitted by section 232 (i) (*b*) *ibid.*

[9] This sub-rule was substituted by section 232 (ii) *ibid.*

[1] [**39-A**. Neither the president nor any officer or servant of the local board shall directly or indirectly purchase any property at any sale of distrained property held under the foregoing rules.]

40. Where the collection of [2] [. . .] fees leviable under this Act is farmed out, the lease deed may provide that, on breach of any of the terms specified in such deed by the lessee, the lessor—that is the president of the local board concerned—may re-enter upon and relet or resell the farm at the risk of the lessee ; and [upon such re-entry] the term of the original lease shall be determined.

[4] [APPENDIX A.]

Distraint warrant.

[*See* rule 33 (1).]

Warrant No.

To

(Name of officer charged with execution of warrant.)

(State tax or taxes due and premises, if any, in respect of which the tax or taxes are due.)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rs. A. P. due for the tax or taxes noted above for the ending 19 , although the said sum has been duly demanded from the said and fifteen days have elapsed since such demand was made : This is to command you to demand the said sum of Rs. A. P. together with annas two for warrant fee, failing payment of which you are to distrain the goods and chattels of the said (or as the case may be, any goods and chattels found on the premises referred to), to the amount of the said sum of Rs. A. P. together with Rs. A. P. for warrant fee and distraint fee, making together a sum of Rs. A. P. and such further sum as may be sufficient to defray the charges of keeping, and selling such distraint ; and if within seven days next after such distraint, the amount due on account of the said tax or taxes and fees shall not be paid, together with such further sum as may be sufficient to defray the charges of keeping such distraint, to sell the said goods and chattels under orders to be hereafter issued by me, and to remit to the office of the board the sale-proceeds of the distrained property, out of which the amount due on account of the said tax or taxes and fees, viz., Rs. A. P. and the charges of keeping and selling such distraint, will be deducted and credited to the fund, and the surplus, if any, returned to the owner of the goods and chattels distrained. If distraint or sufficient distraint cannot be found of the goods and chattels of the said , you are to certify the same to me together with this warrant.

Station } (*Signature of the president or other officer.*)]
Date 19 . }

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[1] This rule was inserted by section 233 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' tolls or ' were omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] These words were substituted for the word ' thereupon ' by section 234 ft the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] This appendix was substituted by section 235 *ibid.*

[1][APPENDIX B.

Form of inventory and notice.

[*See* rule 34 (1) (c).]

(State particulars of goods and chattels seized.]

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of Rs. A. P. due for the tax or taxes mentioned in the margin for the ending 19 , and that unless you pay into the office of the board of the amount due together with the warrant fee, the distraint fee and the cost of keeping the goods and chattels, within seven days from the date of this notice the goods and chattels will be sold on the day of 19 at the board office or at such other place as the president may direct; and that the goods and chattels may be sold at any previous date, if they are liable to speedy and natural decay.

Station
Date 19 .

(*Signature of the officer executing the warrant of distress.*)]

[1][APPENDIX C.

Table of maximum fees payable on distraints.

[*See* rule 36 (1).]

Sum distrained for.	Fees. RS.	A.	P.
Under 1 rupee	0	4	0
1 rupee and over but under 5 rupees	0	8	0
5 rupees and over but under 10 rupees	1	0	0
10 ,, ,, 15 ,, ...	1	8	0
15 ,, ,, 20 ,, ...	2	0	0
20 ,, ,, 25 ,, ...	2	8	0
25 ,, ,, 30 ,, ...	3	0	0
30 ,, ,, 35 ,, ...	3	8	0
35 ,, ,, 40 ,, ...	4	0	0
40 ,, ,, 45 ,, ...	4	8	0
45 ,, ,, 50 ,, ...	5	0	0
50 ,, ,, 60 ,, ...	6	0	0
60 ,, ,, 80 ,, ...	7	8	0
80 ,, ,, 100 ,, ...	9	0	0
100 rupees and over	10	0	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each peon.]

SCHEDULE V.

FINANCE RULES.

(*See* sections 112, 115 and 121.)

Expenditure.

[2][1. (*a*) It shall be the duty of every local board to provide for the payment of—

(i) any amounts falling due on any loans contracted by it; [3](. . .)

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[1] This appendix was substituted by section 235 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] Rules 1, 1-A, 1-B, 1-C and 1-D were substituted for original rule 1 by section 236 *ibid.*

[3] The word 'and' was omitted by Notification No. 2136, L. & M., dated 26th November 1930, published on page 1000 of Part I-A of the *Fort St. George Gazette*, dated 2nd December 1930.

[1] [(ii) the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the local board, and the maintenance of the election establishment.

Explanation.—The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of the Government or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections ;]

[2] [(iii)] the salaries and allowances [3] [and the pensions, pensionary contributions and provident fund contributions] of its officers and servants.

[4] [(*b*) The Local Government shall determine every year the amount of the election expenses referred to in clause (ii) of sub-rule (*a*) and their determination shall be final and binding on the local board. Such amount shall have priority over all other charges except charges for the service of authorized loans including the loans and advances specified in section 121-A, and the expenses specified in sub-section (2) of section 41.]

[5] [(*c*) Omitted.]

[6] [**1-A.**] (1) A panchayat shall have power to make such provision as it thinks fit for carrying out the requirements of the village in respect of the following matters, namely :—

(*a*) the construction and maintenance of all public roads within the limits of the village other than portions of district [7] [. . .] roads within such limits ; and all bridges. culverts, road dams and causeways on such roads ;

(*b*) the establishment and maintenance of choultries within the limits of the village other than those classified as district [8] [. . .] choultries ;

(*c*) the lighting of all public roads and public places within the limits of the village ;

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[1] Clause (ii) was added by Notification No. 2136, L. & M., dated 26th November 1930, published on page 1000 of Part I-A of the *Fort St. George Gazette*, dated 2nd December 1930.

[2] Clause (ii) was renumbered as clause (iii) *ibid.*

[3] These words were inserted by Notification No. 292, L. & M., dated 23rd February 1932, published at page 175 of Part I-A of the *Fort St. George Gazette*, dated 23rd February 1932.

[4] Sub-rule (*b*) was relettered as sub-rule (*c*) and new sub-rule (*b*) was inserted by Notification No. 2136, L. & M., dated 26th November 1930, published on page 1000 of Part I-A of the *Fort St. George Gazette*, dated 2nd December 1930.

[5] Sub-rule (*c*) was omitted by Notification No. 292, L. & M., dated 23rd February 1932, published on page 175 of Part I-A of the *Fort St. George Gazette*, dated 23rd February 1932.

[6] Rules 1, 1-A, 1-B, 1-C and 1-D were substituted for original rule 1 by section 236 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[7] The words 'and taluk' were omitted by section 52 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[8] The words 'or taluk' were omitted by section 52 (i) *ibid.*

(*d*) the opening and maintenance of liabraries [1] [other than libraries which are classified as district libraries] ;

(*e*) the construction of drains and disposal of drainage water and sullage ;

(*f*) the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows ; and other improvements of the sanitary condition of the village ;

(*g*) the provision of public latrines and arrangements to cleanse latrines whether public or private ;

(*h*) the opening and maintenance of burial and burning grounds ;

(*i*) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks for supply of water for drinking, washing and bathing purposes and the construction of bathing ghats ;

(*j*) the opening and maintenance of public slaughter-houses ;

[2] [(*jj*) such preventive and remedial measures connected with epidemics as may be ordered by the Local Government to be carried out by the panchayat ;]

(*k*) the opening and maintenance of public markets other than markets which are classified as [3] [district] markets ;

(*l*) the control of fairs and festivals other than fairs and festivals serving the needs of an area wider than the village, which are classified as [3] [district] fairs and festivals ;

(*m*) the opening and maintenance of centres of physical culture ; and

(*n*) the opening and maintenance of parks.

(2) Subject to such rules as the Local Government may make, the panchayat shall also have power to make such provision as it thinks fit for carrying out the requirements of the village in respect of the following matters, namely :—

(*a*) the planting and preservation of avenues on all public roads in the village not being district [4] [. . .] roads ;

(*b*) the opening and maintenance of public landing places, halting places and cart-stands ;

(*c*) the control of threshing floors, topes, and other porambokes used by the villagers in common ;

(*d*) the control of village buildings and other property belonging to the villagers in common ;

(*e*) the extension of village-sites and regulation of building ;

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[1] These words were substituted for the words 'other than libraries serving the needs of an area wider than the village which are classified as district or taluk libraries' by section 52 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] This clause was inserted by section 4 of the Madras Local Board (Amendment) Act, 1934 (Madras Act III of 1935).

[3] This word was substituted for the word 'taluk' by section 52 (iii) *ibid.*

[4] The words 'or taluk' were omitted by section 52 (iv) (*a*) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

(*f*) the registration of births and deaths ;

(*g*) the control of pounds ;

(*h*) village protection ;

(*i*) improvements of agriculture and agricultural stock ;

(*j*) the promotion and encouragement of cottage industries ;

(*k*) the opening and maintenance of elementary schools ;

(*l*) the establishment and maintenance of [1] [panchayat dispensaries] ;

(*m*) gratuities to its officers and servants ; [2] [. . .]

[3] [(*mm*) contributions to joint committees constituted under section 30 for any purpose in which the panchayat is jointly interested or for any matter for which it is jointly responsible with any other panchayat or panchayats ; and]

(*n*) all other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the village, which are not specifically included in any of the clauses in [4] (rule 1-B).

[5] **[1-B]** (1) A district board shall have power to make such provision as it thinks fit for carrying out the requirements of the district in respect of the following matters, namely :—

(*a*) the construction and maintenance of all district roads and of all bridges, culverts, road dams and causeways on such roads ;

(*b*) the construction and maintenance of all travellers' bungalows and rest-houses on all public roads in the district ;

(*c*) the establishment and maintenance of choultries in the district classified as district choultries ;

[6] [(*cc*) the opening and maintenance of elementary schools except in villages where the contribution referred to in item (11) under the heading 'A—Village Funds' in rule 5 is paid by the district board ;]

(*d*) the opening and maintenance of secondary and sessional schools, vocational or industrial schools and hostels for students ;

[7] [(*dd*) the opening and maintenance of libraries which are classified as district libraries] ;

(*e*) the district health officer and his office establishment ;

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[1] These words were substituted for the words 'rural dispensaries' by Notification No. 1359-P.H., dated 21st November 1933, published on page 467 of Part I-A of the *Fort St. George Gazette*, dated 28th November 1933.

[2] The word 'and' was omitted by section 52 (iv) (*b*) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] This clause was inserted by section 52 (iv) (*c*) *ibid.*

[4] This expression was substituted for the expression 'rules 1-B and 1-C' by section 52 (iv) (*d*) *ibid.*

[5] Rule 1-B was omitted and rule 1-C was relettered as rule 1-B by section 52 (v) *ibid.*

[6] This clause was inserted by section 52 (vi) *ibid.*

[7] This clause was inserted by Notification No. 1581, L. & M., dated 15th September 1931, published at page 760 of Part I-A of the *Fort St. George Gazette*, dated 15th September 1931.

(*f*) all central public health establishments which serve the needs of the district as a whole, including reserve staffs of medical officers, nurses, midwives and vaccinators ;

(*g*) the training of nurses, midwives, dhais and vaccinators ;

[1] [(*h*) the establishment and maintenance in the district of hospitals and of dispensaries other than those classified as panchayat dispensaries ; and every kind of medical relief not given by the panchayat ;]

[2] [(*hh*) vaccination ;]

[3] [(*i*) preventive and remedial measures connected with epidemics, except such measures as may have been ordered by the Local Government to be carried out by panchayats under clause (*jj*) of sub-rule (1) of rule 1-A ;]

(*j*) the establishment and maintenance of veterinary hospitals and dispensaries in the district ;

[4] [. . .]

[. . .]

[6] [(*l*) the opening and maintenance of public markets which are classified as district markets ;]

[5] [(*m*) the control of fairs and festivals which are classified as district fairs and festivals ; and]

[6] [(*n*) the supervision of panchayats in the district.]

(2) Subject to such rules as the Local Government may make, the district board shall also have power to make such provision as it thinks fit for carrying out the requirements of the district in respect of the following matters, namely :—

(*a*) the planting and preservation of avenues on all district roads ;

(*b*) the construction and working of railways, tramways, ropeways, motor omnibus and other transport services ;

(*c*) gratuities to its officers and servants ;

(*d*) all other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the district, which are not specifically included in any of the clauses in [7] [rule 1-A] ; and

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[1] This clause was substituted by section 52 (vii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[2] This clause was inserted by section 52 (viii) *ibid.*

[3] This clause was substituted by section 4 of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

[4] The word 'and' was omitted by section 52 (ix) of Madras Act II of 1934.

[5] Clause (*k*) was omitted by section 4 of Madras Act III of 1935.

[6] These clauses were inserted by section 52 (x) of Madras Act II of 1934.

[7] This expression was substituted for the expression 'rules 1-A and 1-B' by section 52 (xi) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

(*e*) contributions in aid of purposes similar to those mentioned in sub-rule (1) and clauses (*a*) to (*d*) of this sub-rule to other local boards, municipal councils [1] [and private persons or associations].

[2] [1-C.] (1) The Local Government shall have power to make rules regarding the maximum amount of expenditure that may be incurred by a local board—

(*a*) on ministerial and other establishment ; and

(*b*) on account of the journeys of the president and the vice-president in discharge of the duties of their offices.

(2) Subject to the rules made under sub-rule (1) a local board may incur any charge necessary for or incidental to its administration.

2. All charges other than those enumerated above shall be debited to [3] [village, [4] (. . .) or district funds] according as they are incurred in the interest of [5] [panchayats, [6] (. . .) or district boards].

[7] [3. (1) The proposals for the classification of roads as district and panchayat roads, of choultries as district choultries, of libraries as district libraries, of dispensaries as panchayat dispensaries, of markets as district markets and of fairs and festivals as district fairs and festivals shall be framed by a committee of the district board and shall be sanctioned by the district board after each of the panchayats concerned has had a reasonable opportunity of expressing its opinion thereon.

(2) The Local Government shall have power to revise any classification sanctioned by the district board under sub-rule (1)].

4. A local board may, notwithstanding anything contained in these rules, contribute to the funds of any other local board in the district and may, with the sanction of the Local Government,

(1) contribute towards the expenses of any public exhibition, ceremony or entertainment in the local area within its jurisdiction ;

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[1] These words were substituted for the words 'and private persons' by Notification No. 1581, L. & M., dated 15th September 1931, published at page 760 of Part I-A of the *Fort St. George Gazette*, dated 15th September 1931.

[2] Rule 1-D was relettered as rule 1-C by section 52 (v) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] These words were substituted for the words 'district, taluk or union funds' by section 237 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] The word 'taluk' was omitted by section 52 (xii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[5] These words were substituted for the words 'district, taluk or union boards' by section 237 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[6] The words 'taluk boards' were omitted by section 52 (xii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[7] This sub-rule was substituted by section 52 (xiii) *ibid.*

(2) contribute 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 ; and

(3) incur any other extraordinary charges.

Receipts.

[1] [5. The receipts under this Act which shall be credited to village, [2] [. . .] and district funds respectively are as follows :—

A.—Village Funds.

(1) [3] [One-third of the land-cess] levied in the village under section 78.

(2) The profession tax levied in the village under section 93.

(3) The house-tax levied in the village under section 98.

(4) The tax or taxes levied in the village under sub-section (2) of section 75.

(5) The pilgrim tax levied in the village under section 110 except where the occasion for pilgrimage is a festival classified as [4] [district] festival.

(6) Fees on licences issued and permissions given by the panchayat under this Act.

(7) Fees levied in public markets in the village not classified as [4] [district] markets.

(8) The contribution paid by the [4] [district] board on the scale fixed by the local Government in respect of markets in the village classified as [4] [district] markets.

(9) Fees for the use of public landing places, halting places, cart-stands and slaughter-houses constructed or maintained from village funds ; fees for the use of choultries other than those classified as district [5] [. . .] choultries, and fees for the temporary occupation of village-sites, roads, burial and burning grounds and other similar public places or parts thereof in the village.

(10) Receipts of schools maintained by the panchayat including grants-in-aid to such schools.

(11) The contribution, if any, paid by the [6] [district board] on the scale fixed by the Local Government for the opening and maintenance of elementary schools in the village.

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[1] This rule was substituted by section 239 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The word 'taluk' was omitted by section 52 (xiv) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] These words were substituted for the words 'One-sixth of the land-cess' by section 52 (xiv) *ibid.*

[4] This word was substituted for the word 'taluk' by section 52 (xv) *ibid.*

[5] The words 'or taluk' were omitted by section 52 (xvi) *ibid.*

[6] These words were substituted for the words 'taluk board' by section 52 (xvii) *ibid.*

(12) Income from endowments and trusts under the management of the panchayat.

(13) Contributions from Government, other local boards, municipalities, other local authorities and private persons in aid of any institutions or services maintained or financed from village funds [1] [or managed by the panchayat].

(14) Fines levied for nuisances and for offences against the Places of Public Resort Act, 1888, when committed in the village. Madras Act II of 1888.

(15) Fines and penalties levied under this Act by the panchayat, or at its instance or on its behalf.

(16) Sale-proceeds of sweepings, tools and plant, old stores and materials, and of trees and avenue produce in the village appertaining to roads other than district [2] [. . .] roads.

(17) Income from village ferries and fisheries.

(18) Interest on loans and securities.

(19) Interest on arrears of revenue.

(20) Income from, and sale-proceeds of, buildings, lands and other property, belonging to the panchayat.

(21) Unclaimed deposits and other forfeitures.

[3] [B.—District Funds.]

(1) [4] [Two-thirds of the land-cess] levied in the district under section 78.

[5] [(1-A.) The pilgrim tax levied in respect of any village in the district where the occasion for pilgrimage is a festival classified as a district festival.]

[6] [(2) Omitted.]

(3) Fees on licences issued and permissions given by the district board under this Act.

[7] [(3-A) Fees levied in public markets in the district classified as district markets, after deducting the contribution referred to in item (8) under the heading 'A—Village Funds.')

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[1] The words within square brackets were added by section 4 of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

[2] The words 'or taluk' were omitted by section 52 (xviii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] The heading 'B—Taluk Funds' and the items thereunder were omitted and the heading 'B—District Funds' was substituted for the heading 'C—District Funds' by section 52 (xix) *ibid.*

[4] These words were substituted for the words 'One-third of the land-cess' by section 52 (xix) *ibid.*

[5] This item was inserted by section 52 (xx) *ibid.*

[6] This item was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[7] This item was inserted by section 52 (xxi) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

(4) Fees for the use of travellers' bungalows and rest-houses in the district.

(5) Fees for the use of choultries in the district classified as district choultries.

(6) Receipts of schools maintained by the district board, including grants-in-aid to such schools.

(7) Receipts of hospitals and dispensaries classified as district hospitals and dispensaries.

(8) Receipts of veterinary hospitals and dispensaries maintained by the district board.

(9) Income from endowments and trusts under the management of the district board.

(10) Contributions from Government, other local boards, municipalities, other local authorities and private persons in aid of any institutions or services maintained or financed from district funds [1] [or managed by the district board].

(11) Fines and penalties levied under this Act by the district board or at its instance or on its behalf.

(12) Sale-proceeds of sweepings, tools and plant, old stores and materials, and of trees and avenue produce appertaining to all district roads.

(13) Income from district board ferries.

(14) Income from railways, tramways, rope-ways, motor omnibus and other transport services maintained by the district board.

(15) Interest on loans and securities.

(16) Interest on arrears of revenue.

(17) Income from, and sale-proceeds of, buildings, lands and other property belonging to the district board.

[2] [(18) Unclaimed deposits and other forfeitures.]

6. All receipts other than those enumerated above shall be credited to [3] [village [4] (. . .) or district funds] according as they arise out of, or are received for expenditure on, services looked after by [5] [panchayats, [6] (. . .) or district boards.]

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[1] The words within square brackets were added by section 4 of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

[2] Clause (18) was omitted and clause (19) was renumbered as clause (18) by Notification No. 292, L. & M., dated 23rd February 1932, published at page 175 of Part I-A of the *Fort St. George Gazette*, dated 23rd February 1932.

[3] These words were substituted for the words 'district, taluk and union funds' by section 240 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[4] The word 'taluk' was omitted by section 52 (xxii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[5] These words were substituted for the words 'district, taluk or union boards' by section 240 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[6] The words 'taluk boards' were omitted by section 52 (xxii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

7. The Local Government may—

(*a*) transfer annually to district boards a share of the excise revenue collected in the districts ; and

(*b*) make such other recurring and non-recurring subsidies as they think fit in aid of the funds of all or any of the local boards.

General.

[1][8. (1) All moneys received by a district [2](. . .) board shall be lodged in the nearest Government treasury and all moneys received by a panchayat shall be lodged either in the nearest Government treasury or in the nearest Post Office Savings Bank.

(2) (*a*) A district[2] (. . .) board may with the sanction of the Local Government, and a panchayat may, with the sanction of the district board

(i) lodge its moneys in a bank or co-operative society, and

(ii) invest any sums not required for immediate use in any manner which the Local Government may, by general or special order, approve.

(*b*) A panchayat may, with the sanction of the district board and subject to such conditions as to security or otherwise as the district board may lay down, leave its moneys in the custody of the president or any other respectable person.]

[1][9. (1) All orders or cheques against a local fund shall be signed—

(*a*) by the president or

(*b*) (i) by some person duly authorized in that behalf by the president in the case of district [3][. . .] boards ; or

(ii) by a panchayatdar authorized as aforesaid in the case of panchayats.

(2) The treasury, bank, co-operative society or person in which or with whom the local fund is lodged shall, so far as the funds to the credit of the local board admit, pay all orders or cheques against the fund which are signed as required by sub-rule (1).

(3) If the local board shall have given previous authority in writing such treasury, bank, co-operative society or person may at once pay out of the fund of the local board without such order or cheque any expense which the Local Government have incurred on behalf of the board.]

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[1] This rule was substituted by section 241 of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] The words ' or taluk ' were omitted by section 52 (xxiii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

[3] The words ' and taluk ' were omitted by section 52 (xxiv) *ibid.*

SCHEDULE VI.

List of Dangerous Diseases.

(*See* section 130.)

Acute influenzal pneumonia.
Anthrax.
Chickenpox.
Cholera.
Diphtheria.
Enteric fever.
Glanders.
Leprosy.
Plague.
Relapsing fever.
Smallpox.
Tuberculosis.

SCHEDULE VII.

Purposes for which premises may not be used without a licence.

(*See* section 103.)

(*a*) Boiling camphor ;

(*b*) melting tallow or sulphur ;

(*c*) storing or otherwise dealing with offal, blood, bones, hides, fish or skins ;

(*d*) tanning hides and skins ;

(*e*) washing or drying wool or hair ,

(*f*) making fish-oil ;

(*g*) making soap ; [1][. . .]

(*h*) manufacturing or distilling sago ; manufacturing artificial manure ; manufacturing or refining sugar ; manufacturing sugar-candy ;

(*i*) manufacturing gunpowder or fire-works ;

[2] [(*j*) burning bricks, tiles, pottery or lime ;]

(*k*) keeping a hotel, restaurant, eating-house, coffee house, boarding house or lodging house (other than a students' hostel under public or recognized control) ;

[3] [(*kk*) preparing flour or articles made of flour for human consumption or sweetmeats ;]

(*l*) manufacturing ice or aerated waters ;

(*m*) selling timber or storing it for sale ;

[4][(*n*) storing any explosive or combustible material ;]

[4] [(*o*) manufacturing anything from which offensive or unwholesome smells arise ;]

[4] [(*p*) using for any industrial purpose any fuel or machinery ; and]

[4] [(*q*) in general doing in the course of any industrial process anything which is likely to be offensive or dangerous to human life or health or property :]

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[1] The words 'or burning lime' were omitted by section 242 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] This clause was substituted by section 242 (ii) *ibid.*

[3] This clause was inserted by Notification No. 230, P.H., dated 20th February 1933, published on page 77 of Part I-A of the *Fort St. George Gazette*, dated 28th February 1933.

[4] Clauses (*n*) to (*q*) were substituted for the original clause (*n*) by section 242 (iii) of the Madras Local Boards (Amendment) Act, 1930 Madras Act XI of 1930.

[1] [Provided that no licence shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre or coal or for boiling paddy when such storage or boiling is for private use.]

SCHEDULE VIII.

ORDINARY PENALTIES.

(*See* section 207.)

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
97	..	Failure of owner or occupier, etc., to obey requisition to furnish list of persons carrying on profession, art, etc.	One hundred rupees.
102	(1)	Failure to send notice to president after completion of construction, etc., of building.	Fifty rupees.
[2][	..	* * *	..]
122	..	Failure to obey requisition to cleanse any stream, etc., close a well, tank or reservoir or enclose or fence the same.	Fifty rupees.
123	(1)	Failure to obey requisition to fence, repair, fill up, etc., tank, well, etc.	Do.
124	(2)	Disobeying notice prohibiting use of water to which public have access.	Do.
125	(*a*)	Bathing, etc., in places set apart for drinking purposes.	Do.
125	(*b*)	Depositing any offensive, etc., matter in places set apart for drinking purposes.	Do.
125	(*c*)	Washing clothes in places set apart for drinking or bathing.	Do.
125	(*d*)	Washing animal, etc., in places set apart for other purposes.	Do.
125	(*e*)	Allowing water from a sink, sewer, etc., into places set apart for drinking, bathing or washing clothes.	Do.
[3][126-A	..	Obstructing a person in the use and enjoyment of a well, tank, reservior or waterway referred to in section 126-A.	One hundred rupees.]
129	..	Allowing filth to flow in public roads, etc.	Twenty rupees.
[4][129-A	..	Failure to construct, alter or remove drains.	Fifty rupees].
131	(2)	Failure to obey requisition to cleanse or disinfect premises or articles.	Fifty rupees.
132	(1)	Failure to remove conveyances, clothing, etc., to place notified.	Do.
133	..	Infected person carrying on occupation..	Do.
134	(1)	Travelling of infected person in public conveyance without taking proper precautions against spread of disease.	Do.
134	(2)	Entry of infected person into public conveyance without notifying fact of infection.	Do.

[1] This proviso was added by section 242 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XIV of 1930).

[2] The entry relating to section 109 was omitted by Schedule I to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

[3] This item was inserted by section 3 of the Madras Local Boards (Fourth Amendment) Act, 1933 (Madras Act XXIII of 1933).

[4] This item was inserted by section 243 (i) of the Madras Local Boards (Amendment) Act 1930 (Madras Act XI of 1930).

ORDINARY PENALTIES—*cont.*

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
134	(3)	Carrying infected person in public conveyance.	Fifty rupees.
135	..	Failure to close place of public entertainment.	Two hundred rupees.
136	..	Sending infected child to school	Fifty rupees.
138	..	Failure to give information of smallpox.	Do.
139	(2)	Leaving local area within forty days of inoculation for smallpox without certificate.	One hundred rupees.
140	(1)	Failure to register any place for the disposal of the dead.	Do.
141	(1)	Opening, etc., or using any place for the disposal of the dead without a licence.	Do.
144	..	Burying, burning, etc., corpse within 100 yards of dwelling place or source of drinking water-supply.	Do.
145	..	Failure to give information of burials or burnings in a burial or burning ground.	Twenty rupees.
146	(3)	Burying, burning or otherwise disposing of a corpse in a prohibited place.	One hundred rupees.
147	(1)	Failure to obey requisition to fence off, take down, secure or repair dangerous structure.	Five hundred rupees.
148	(1)	Failure to obey requisition to secure, lop or cut down dangerous trees.	Fifty rupees.
149	..	Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Do.
150	(1)	Failure to obey requisition to fill in, etc., tank or other place dangerous to public health or safety.	Do.
151	(1)	Quarrying near a public road, etc., without a licence.	Do.
151	(2)	Failure to stop dangerous quarrying ..	One hundred rupees.
153	(1)	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or over-grown with noxious vegetation.	Fifty rupees.
153	(2)	Failure to obey requisition to limewash a building.	Do.
157	..	Unlawful building of wall or erecting of fence, etc., in or over any public road.	One hundred rupees.
[1][157-A	..	Obstructing a person in the use of roads..	Do.]
158	..	Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees.
159	(1)	Failure to remove or alter encroachment.	Two hundred rupees.
161	(1)	Unlawful construction of building over a drain or on ground, levelled, etc., by rubbish.	Do.
161	(2)	Failure to obey requisition to demolish a building constructed without permission or contrary to the terms of permission.	Do.

[1] This item was inserted by section 4 (1) of the Madras Local Boards (Amendment) Act, 1926 (Madras Act I of 1927).

ORDINARY PENALTIES—*cont.*

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
162	..	Failure to obey requisition to clear prickly-pear, wattle, lantana, etc., from land adjoining public road, etc.	Fifty rupees.
163	(1)	Unlawful making of hole or placing obstruction in public road.	Do.
163	(2)	Failure to fence, enclose, etc., hole or obstruction.	Do.
[1][163-A	(1)	Planting of trees without permission on any public road or other property vested in a local board.	Two hundred rupees.]
[1][163-A	(2)	Felling, etc., without permission of trees growing on public road or other property vested in a local board.	Do.
164	(2)	Failure to remove any building, etc., on land vested in local board.	Two hundred rupees.
166	(1)	[2][Using a motor vehicle for hire or a motor lorry, without licence or contrary to licence.]	Do.
[3][167	..	Obstructing a person in the use of public markets.	One hundred rupees]
169	(1)	Sale or exposure for sale in public market of animal or article without permission	Twenty rupees.
[4][..	..	* * * *	.]
171	..	[5][Opening a new private market or continuing to keep open a private market without licence or contary to licence.	Five hundred rupees.]
172	(1)	Levy of fees in a private market without a certificate.	One hundred rupees.
175	..	Sale or exposure for sale of animal or article in unlicensed private market.	Twenty rupees.
176	..	Failure to obey direction to construct approaches, etc., for a private market or to roof, etc.	One hundred rupees.
177	(2)	Keeping open a private market after suspension or refusal of licence for default to carry out works.	Fifty rupees.
178	..	Nuisances in private markets	Twenty rupees.
183	..	Sale, etc., of articles in public roads, etc., after prohibition or without licence or contrary to regulations.	Ten rupees.
185	..	Using any public place or roadside as a landing or halting place, etc., within prohibited distance.	Fifty rupees.
[6][..	..	* * * *	..]
187	..	[2][Opening a new private cart-stand or continuing to keep open private cart stand without licence or contrary to licence.]	[7][Two hundred. rupees].

[1] Those items were inserted by section 243 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] Those words were substitutedby section 243 (iii) *ibid.*

[3] This item was inserted by section 4 (2) of the Madras Local Boards (Amendment) Act, 1926 (Madras Act I of 1927).

[4] The item relating to section 170 was omitted by section 243 (iv) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[5] The entries in columns (3) and (4) were substituted by section 243 (v) *ibid.*

[6] The item relating to section 186 was omitted by section 243 (vi) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[7] The entries in columns (3) and (4) were substituted by section 243 (vii) *ibid.*

ORDINARY PENALTIES—*cont.*

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
190	(*a*)	Slaughtering or cutting up or skinning, etc., cattle, etc., outside a public slaughter-house.	Two hundred rupees.
190	(*b*)	Slaughtering, etc., any cattle, etc., without a licence.	Twenty rupees for every animal.
193	..	Using a place for an offensive or dangerous trade without a licence.	One hundred rupees.
194	..	Unlawful erection of factory, workshop, etc.	One thousand rupees.
195	..	Disobedience of order regarding abatement of nuisances, etc.	One hundred rupees.
212	(8)	Failure to produce licence on request ..	Five rupees.
229	..	Obstructing or molesting a local board, etc.	Fifty rupees.
230	..	Removal of notice exhibited by or under orders of a local board.	Do.
231	..	Failure to obey an order to furnish statement, etc.	Do.
232	..	Failure to obey summons	Do.

SCHEDULE IX.

PENALTIES FOR CONTINUING BREACHES.

(*See* section 207.)

Section.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
122	..	Failure to obey requisition to cleanse any stream, etc., close a well, tank or reservoir, or enclose or fence the same.	Ten rupees.
123	(1)	Failure to obey requisition to fence, repair, fill up, etc., tank, well, etc.	Do.
124	(2)	Disobeying notice prohibiting use of water to which public have access.	Do.
125	(*e*)	Allowing water from a sink, sewer, etc., into a place set apart for drinking, bathing or washing clothes.	Do.
129	..	Allowing filth to flow in public roads, etc.	Do.
[129-A	..	Failure to construct, alter or remove drains.	Do.
131	(2)	Failure to obey requisition to cleanse or disinfect premises or articles.	Do.
133	..	Infected person carrying on occupation ..	Do.
135	..	Failure to close place of public entertainment.	One hundred rupees.
141	(1)	Using any place for the disposal of the dead without a licence.	Twenty rupees for every occasion.
147	(1)	Failure to obey requisition to fence off, take down, secure or repair dangerous structure.	Fifty rupees.

[1] This item was inserted by section 244 (i) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

PENALTIES FOR CONTINUING BREACHES—*cont.*

Section.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
148	(1)	Failure to obey requisition to secure, lop or cut down dangerous trees.	Ten rupees.
149	..	Failure to obey requisiton to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Do.
150	(1)	Failure to obey requisition to fill in, etc., tank or other place dangerous to public health or safety.	Do.
151	(1)	Quarrying near a public road without a licence.	Do.
151	(2)	Failure to stop dangerous quarrying ..	Do.
153	(1)	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Do.
153	(2)	Failure to obey requisition to limewash a building.	Do.
157	..	Unlawful building of wall or erecting of fence, etc., in or over any public road.	Twenty rupees.
158	..	Allowing doors, ground-floor, windows, etc., to open outwards without licence or contrary to notice.	Ten rupees.
159	(1)	Failure to remove or alter encroachment.	Do.
161	(1)	Unlawful construction of building over a drain or on ground levelled, etc., by rubbish.	Fifty rupees
161	(2)	Failure to obey requisition to demolish a building, constructed without permission or contrary to the terms of permission.	Do.
162	..	Failure to obey requisition to clear prickly-pear, wattle, lantana, etc., from land adjoining public road, etc.	Ten rupees.
163	(1)	Unlawful making of hole or placing obstruction in public road.	Do.
164	(2)	Failure to remove any building, etc., on land vested in local board.	Fifty rupees.
166	(1)	[1] [Using a motor vehicle for hire or a motor lorry without licence or contrary to licence.]	Do.
169	(1)	Sale or exposure for sale in public market of animal or article without permission.	Ten rupees.
171	..	Keeping open a private market without licence or contrary to licence.	One hundred rupees.
172	(1)	Levy of fees in a private market without a certificate.	Fifty rupees.
175	..	Sale or exposure for sale of animal or article in unlicenced private market.	Ten rupees.
176	..	Failure to obey direction to construct approaches, etc., for a private market, or to roof, etc.	Do.
177	(2)	Keeping open a private market after suspension or refusal of licence for default to carry out works.	Twenty rupees.
178	..	Nuisances in private markets	Ten rupees.

[1] These words were substituted by section 243 (iii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XIV of 1930.

PENALTIES FOR CONTINUING BREACHES—*cont.*

Section.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
187	(1)	Keeping open a private cart-stand [1][without licence or contrary to licence.]	Twenty rupees.
193	..	Using a place for an offensive or dangerous trade without a licence.	Do.
194	..	Unlawful erection of factory, workshop, etc.	One hundred rupees.
195	..	Disobedience of order regarding abatement of nuisances.	Fifty rupees.

[2][...]

MADRAS ACT No. I OF 1921.[3]

[An Act to provide for the salary of the Deputy-President of the Madras Governor's Legislative Council.]

[17*th May*, 1921.]

WHEREAS by the Government of India Act provision has been made for the determination of the salary of the Deputy-President of the Governor's Legislative Council by Act of the Local Legislature ; It is hereby enacted as follows :—

1. This Act may be called the Deputy-President's Salary Act, 1921.

2. There shall be paid to the Deputy-President of the Madras Governor's Legislative Council a salary of Rs. 5,000 per annum.

MADRAS ACT No. II OF 1921.[4]

[An Act to amend the Madras District Municipalities Act, 1920.]

[27*th September*, 1921.]

WHEREAS it is expedient to amend further the Madras District Municipalities Act, 1920 ; It is hereby enacted as follows :—

1. This Act may be called the Madras District Municipalities (Amendment) Act, 1921. **Short title.**

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[1] These words were substituted for the words ' without licence ' by section 244 (ii) of the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930).

[2] Schedule X was omitted by section 245 *ibid.*

[3] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 4th Janury 1921, p. 1. For Proceedings in Council *see ibid*, dated 15th March 1921, pp. 410–425.

[4] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 23rd August 1921, pp. 1502–1503.

Amendment of section 43 of Act V of 1920.

2. The following shall be inserted as sub-section (2) of section 43 of the Madras District Municipalities Act, 1920, the present section 43 being numbered as sub-section (1) of that section :—

[*Vide p.* 1029.]

Expiry of the term of certain elected councillors.

3. In the case of such municipal councils as are referred to in section 366 (*a*) and which have been constituted under the Madras District Municipalities Act, 1920, before the first day of November 1921, the term of office of elected councillors whose terms would, by operation of clause (*b*) (i) of that section, expire on the first day of November 1921, the first day of November 1922 and the first day of November 1923, shall, notwithstanding the provisions of that section or of any other section of the said Act, expire on the first day of November 1922, the first day of November 1923, and the first day of November 1924, respectively.

Amendment of section 368 of Act V of 1920.

4. The following shall be inserted as sub-sections (2) to (5) of section 368 of the Madras District Municipalities Act, 1920, the present section 368 being numbered as sub-section (1) of that section :—

[*Vide pp.* 1157–1158.]

MADRAS ACT No. III OF 1921.[1]

[An Act to amend the Madras Cattle Disease Act, 1866.]

[*11th October*, 1921.]

WHEREAS it is expedient to amend the Madras Cattle Disease Act, 1866, it is hereby enacted as follows :—

Short title.

1. This Act may be called the Madras Cattle Disease (Amendment) Act, 1921.

Amendment of sections 6 and 15 of Act II of 1866.

2. For sections 6 and 15 of the Madras Cattle Disease Act, 1866, the following shall be substituted :—

[*Vide pp.* 309 *and* 311]

Substitution of certain words for "the President of the Municipal Commission."

3. The words "the Commissioner of the Corporation" shall be substituted for the words "the President of the Municipal Commission" wherever the latter occur in the Act.

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 1st March 1921, p. 384. For Proceedings in Council *see ibid.*, dated 26th April 1921, pp. 908–991.

MADRAS ACT No. IV. OF 1921[1].

[An Act to amend the Madras City Municipal Act No. IV of 1919.]

[*6th December*, 1921.]

WHEREAS it is expedient to amend the Madras City Municipal Act of 1919 ; It is hereby enacted as follows :— Mad. Act IV of 1919.

1. (1) This Act may be called the Madras City Municipal (Amendment) Act of 1921. Short title and commencement

(2) It shall come into force immediately.

2. In rule 13 of Part V of Schedule IV of the said Act the word "and" at the end of the clause (*a*) (ii), and the whole of clause (*b*) with its proviso and explanation, shall be omitted and the following explanation shall be added :— Amendment of rule 13 of Part V of Schedule IV of the principal Act.

[*Vide* p. 945.]

3. In rule 15 of Part V of Schedule IV of the said Act, after the word "decision" in clause (ii), Amendment of rule 15 of Part V of Schedule IV of the principal Act.

insert the words "and the tax has been paid within the said period" and

add the following explanation :—

[*Vide* p. 945.]

MADRAS ACT No. V OF 1921.[2]

[An Act to amend the Madras District Municipalities Act, 1920 (Madras Act No. V of 1920)].

[ ]

WHEREAS it is expedient to amend the Madras District Municipalities Act, 1920 ; It is hereby enacted as follows :—

1. This Act may be called the Madras District Municipalities (Amendment) Act, 1921. Short title.

2. For the words and figures Amendment of rule 21 (1) of Schedule IV of Act V of 1920.

	RS.	A.
"on every cart	0	3"

in sub-rule (1) of rule 21 of Schedule IV of the Madras District Municipalities Act, 1920, there shall be substituted the words and figures

	RS.	A.
"on every cart	0	4"

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 3rd May 1921, p. 934. For report of Select Committee *see ibid.*, dated 27th September 1921, p. 1511. For Proceedings in Council *see ibid.* dated 31st May 1921, pp. 1392-1393.

[2] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 6th September 1921, p. 1506.

MADRAS ACT No. I OF 1922.[1]

[An Act to amend the Madras District Municipalities Act, 1920.]

[14*th February*, 1922.]

WHEREAS it is expedient to amend the Madras District Municipalities Act V of 1920 ; It is hereby enacted as follows :— Mad. Act V of 1920.

Short title. **1.** This act may be called the Madras District Municipalities Amendment Act, 1921.

Interpretation clause. **2.** In this Act "the said Act" shall mean the Madras District Municipalities Act, 1920.

Amendment of section 12 of the principal Act. **3.** (1) In section 12 (1) of the said Act, the words "at its first meeting after the 1st day of November in each year" shall be omitted.

(2) In section 12 (3) of the said Act, the words "whose term of office shall expire concurrently with that of the chairman" shall be omitted.

(3) In section 12 (5) of the said Act, the words "till the election of his successor provided that in the meantime he does not cease to be a councillor" and the whole of the sentence "On the occurrence of any casual vacancy . . . occurred" shall be omitted and in their place the words "until the expiry of the term of his office as municipal councillor or until he otherwise ceases to be a councillor or in the case of the chairman until the issue of a notification under sub-section (1)" shall be inserted.

MADRAS ACT No. II OF 1922.[2]

[THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT, 1921.]

[21*st February*, 1922.]

An Act to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920.

WHEREAS it is expedient to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920 ; It is hereby enacted as follows :— Madras Acts V and XIV of 1920.

Short title. **1.** This Act may be called the Madras District Municipalities and Local Boards (Amendment) Act, 1921.

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 13th September 1921, p. 1508. For report of the Select Committee *see ibid.*, dated 8th November 1921, pp. 1515–1517.

[2] For Statement of Objects and Reasons *see Fort St. George Gazette* Extraordinary, dated 8th December 1921.

Oath to be made by new municipal councillors.

2. (1) Every person who is elected [1][* * *] to be a councillor of a municipal council [2][or who becomes an ex-officio councillor of a municipal council] shall before taking his seat make, at a meeting of the council, an oath or affirmation of his allegiance to the Crown in the following form, namely :—

I, *A.B.*, [3][— having been elected / [4][* * *] / having become an ex-officio] councillor] of this council, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

(2) Any person who having been elected [5][* * *] a councillor [6][or having become an ex-officio councillor] fails to make, within three months of the date on which his term of office commences [7][or at one of the first three meetings held after the said date] [8][whichever is later] the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

[**3.** [9]Omitted.]

Oath to be made by new members of local boards.

4. (1) Every person who is elected [10][* * *] to be a member of a local board or who becomes an ex-officio member of a local board shall before taking his seat make, at a meeting

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[1] The words " or appointed " were omitted by section 2 (i) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

[2] These words were inserted by section 2 (i) (*a*) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1929 (Madras Act I of 1930).

[3] These words were substituted for the words " having been elected / appointed councillor " by section 2 (i) (*b*) *ibid.*

[4] The words " having been appointed a " were omitted by section 2 (i) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

[5] The words " or appointed " were omitted by section 2 (ii) (*a*) *ibid.*

[6] These words were inserted by section 2 (ii) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1929 (Madras Act I of 1930).

[7] These words were inserted by section 2 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1924 (Madras Act IV of 1925).

[8] These words were inserted by section 2 (ii) (*b*) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

[9] Section 3 was omitted by section 3 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1924 (Madras Act IV of 1925).

[10] The words "or appointed " were omitted by section 3 (i) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

of the board, an oath or affirmation of his allegiance to the Crown in the following form, namely :—

I, *A. B.*, [1] [having been elected / having become an ex officio * * *] member of this board, solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

(2) Any person who having been elected [2][* * *] a member of a local board or having become an ex-officio member of a local board fails to make, within three months of the date on which his term of office commences [3][or at one of the first three meetings held after the said date] [4][whichever is later] the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

[5][5. Notwithstanding anything contained in the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, or any other law for the time being in force, no person who has been elected [6][* * *] a councillor or a member of a local board or [7][who has become an ex-officio councillor of a municipal council or an ex-officio member of a local board shall take his seat at a meeting of the council or the local board or do any act as such councillor or member unless he has made the oath or affirmation as laid down in this Act].

Saving in the case of chairmen and presidents.

[8][**5-A.** Notwithstanding anything contained in section 5, the chairman of a municipal council or the president of a local board, who has not made the oath or affirmation as a councillor or as a member of the local board, as the case may be, shall be entitled to act as such chairman or president :

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[1] The words "having been appointed a" were omitted by section 3 (*i*) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

[2] The words "or appointed" were omitted by section 3 (ii) (*a*) *ibid*

[3] These words were inserted by section 4 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1924 (Madras Act IV of 1925).

[4] These words were inserted by section 3 (ii) (*b*) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

[5] Section 5 was substituted by section 5 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1924 (Madras Act IV of 1925)

[6] The words "or appointed" were omitted by section 5 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

[7] These words were substituted for the words "who has become an ex-officio member of a local board" by section 3 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1929 (Madras Act I of 1930).

[8] Section 5-A was inserted by section 4 *ibid.*

Provided that he makes the oath or affirmation and takes his seat at the first meeting of the council or board which he attends within two months after he is elected or appointed as, or becomes entitled to exercise the functions of, the chairman or president, as the case may be.

Explanation.—For the purposes of this section—

(i) 'chairman' includes a vice-chairman exercising the functions of the chairman under sub-section (6) of section 12 of the Madras District Municipalities Act, 1920 [1] [and a revenue divisional officer who is ex-officio chairman under sub-section (7) of the same section ;]

Madras Act V of 1920.

(ii) 'president' includes—

(*a*) the vice-president of a [2][local board] exercising the functions of the president of the board under sub-section (1) of [3][section 22-A] of the Madras Local Boards Act, 1920,

Madras Act XIV of 1920.

[4][(*b*) the district collector who is ex-officio president of the district board under clause (*a*) of sub-section (2) of the same section, and]

[4][(*c*) the temporary president of a taluk board or panchayat appointed under clause (*b*) of sub-section (2) of the same section.]

Decision of questions of disqualification under the Act.

[5][*5-B.* (1) Whenever it is alleged that any person who has been elected as member of a municipal council or local board or has become an ex-officio member thereof, has ceased to hold his office as such under this Act and such person does not admit the allegation, or whenever any such person is himself in doubt whether or not he has ceased to hold his office under this Act, such person or any member of the municipal council or local board concerned may, and the chairman or president at the request of the municipal council or local board, as the case may be, or on a direction from the Local Government, shall apply to the district judge having Jurisdiction over the municipal area or the place where the office of the local board is situated, as the case may be.

(2) The said judge, after making such inquiry as he deems necessary, shall decide whether or not such person has ceased to hold his office as member and such decision shall be final.

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[1] These words and figure were inserted by section 5 (i) of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1933 (Madras Act XI of 1933).

[2] These words were substituted for the words "district or taluk board" by section 5 (ii) (*a*) *ibid.*

[3] This word, figures and letter were substituted for the word and figures "section 18" by section 5 (ii) (*a*) *ibid.*

[4] Sub-clauses (*b*) and (*c*) were substituted by section 5 (ii) (*b*) *ibid.*

[5] Section 5-B was inserted by section 6 *ibid.*

(3) Until an application has been made under sub-section (1) and a decision thereon has been obtained, such person shall be entitled to act as if he had not ceased to hold his office as member under this Act.]

[1][6. The provisions of this Act shall be applicable notwithstanding anything contained in the Indian Oaths Act, 1873.]

MADRAS ACT No. III OF 1922.[2]

[An Act to give protection to certain classes of tenants in the City of Madras.]

[21*st February*, 1922.]

WHEREAS it is necessary to give protection to tenants who in many parts of the City of Madras have constructed buildings on others' lands in the hope that they would not be evicted so long as they pay a fair rent for the land; and whereas the sanction of the Governor-General has been obtained under section 80-A (3) of the Government of India Act; It is hereby enacted as follows :-

Short title and application.

1. (1) This Act may be called the Madras City Tenants' Protection Act, 1921.

(2) It extends to the City of Madras.

(3) This Act shall apply only to tenancies of land created before the commencement of this Act.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context -

(1) "Building" includes a house, out-house, stable, latrine, shed, hut and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever.

[3][1-A "Improvement" means any work which materially adds to the value of the land, is suitable to it and consistent with the purpose for which the land was let.]

(2) "Land" does not include buildings.

(3) "Landlord" means any person owning any land, and includes every person entitled to collect the rent of the whole or any portion of the land, whether on his own account or on behalf of or for the benefit of any other person, or by virtue of any transfer from the owner or his predecessor in title or of any order of a competent court or of any provision of law.

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[1] Section 6 was added by section 6 of the Madras District Municipalities and Local Boards (Further Amendment) Act, 1924 (Madras Act IV of 1925).

[2] For Statement of Objects and Reasons *see Fort St. George Gazette*, dated 26th July 1921, page 1491. For report of the Select Committee *see ibid.*, dated 16th August 1921, page 1493—1499.

[3] Clause (1-A) was inserted by section 2 of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).

(4) "Tenant" means tenant of land liable to pay rent on it, every other person deriving title from him, and includes persons who continue in possession after the termination of the tenancy.

Payment of compensation on ejectment.

3. Every tenant shall on ejectment be entitled to be paid as compensation the value of any building, which may have been erected by him, by any of his predecessors in interest, or by any person not in occupation at the time of the ejectment who derived title from either of them, and for which compensation has not already been paid. A tenant who is entitled to compensation for the value of any building shall also be paid the value of trees which may have been planted by him on the land [1][and of any improvements which may have been made by him].

Disposal of suits for ejectment.

4. (1) In a suit for ejectment against a tenant in which the landlord succeeds, the court shall ascertain the amount of compensation, if any, payable under section 3 and the decree in the suit shall declare the amount so found due and direct that, on payment by the landlord into court, within three months from the date of the decree, of the amount so found due, the tenant shall put the landlord into possession of the land with the building and trees thereon.

XV of 1882. (2) In an application under section 41 of the Presidency Small Cause Courts Act, 1882, in which the landlord succeeds, the court shall ascertain the amount of compensation payable under section 3 and shall pass an *interim* order declaring the amount so found due and stating that, on payment by the landlord into court within three months of the date of the said *interim* order of the amount so found due, the landlord shall be entitled to the order contemplated by section 43 of the Presidency Small Cause Courts Act, 1882.

Ibid. (3) If in such suit or application the court finds that any sum of money is due by the tenant to the landlord for rent or otherwise in respect of the tenancy, the court shall set off such sum against the sum found due under sub-section (1) or sub-section (2), as the case may be, and shall pass a decree or *interim* order declaring as the amount payable to the tenant on ejectment the amount, if any, remaining due to him after such set-off.

(4) If the amount found due is not paid into court within three months from the date of the decree under sub-section (1) or of the *interim* order under sub-section (2), or if no application is made under section 6, the suit or application, as the case may be, shall stand dismissed, and the landlord shall not be entitled to institute a fresh suit for ejectment, or present a fresh application for recovery of possession for a period of five years from the date of such dismissal.

[1] The words within square brackets were added by section 3 of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).

Determination of the compensation awardable under section 4.

5. (1) The compensation awardable under section 4 shall be the value of the building and trees [1][and of any improvement which may have been made by the tenant] on the date of the decree or *interim* order, as the case may be.

(2) In determining such value, the court may take into consideration the estimated cost of erecting a similar building, the amount to be allowed for depreciation, and the amount spent on repairs.

(3) If, on account of any cause for which the tenant is responsible, the building, for which compensation has been adjudged under section 4, is destroyed or has deteriorated in value between the date of the decree or *interim* order and the date of ejectment, the court may, on application by the landlord, pass an order directing that he be placed in possession without paying any compensation, or on payment of the amount determined on a revaluation of the building as the case may be.

Determination of rent.

6. (1) If, after a decree or *interim* order is passed under section 4, the landlord is unable or unwilling to pay the compensation ordered, he may, within three months from the date of the decree or *interim* order, apply to the court to fix a reasonable rent for the occupation of the land by the tenant and thereupon the court shall by its order fix such rent as it deems reasonable :

Provided that the rent previously payable for the land shall not be enhanced by more than 2 annas in the rupee.

(2) On the passing of an order under sub-section (1) the decree or interim order passed under section 4 shall be deemed to have been vacated.

Application of landlord for ejectment of tenant or fixing the rent.

7. Any landlord may apply by a petition to the court having jurisdiction to entertain a suit for ejectment or to the Presidency Small Cause Court to fix a reasonable rent for the occupation of the land by the tenant and thereupon the court shall by its order fix such rent as it deems reasonable :

Provided that the rent previously payable for the land shall not be enhanced by more than 2 annas in the rupee.

Application by tenant for reduction of rent.

[2][**7-A.** Where, on an application under section 7, the rent previously payable for a land has been enhanced, the tenant may apply to the court having jurisdiction to entertain a suit for ejectment or to the Presidency Small Cause Court for a reduction of the rent fixed and thereupon the court shall by its order fix such rent as it deems reasonable :

Provided that the rent previously payable for the land shall not be reduced by more than 2 annas in the rupee.]

Effect of order under sections 6, 7 and 7-A.

8. An order passed by a court [3][under section 6, section 7 or section 7-A] shall have effect as a decree in a suit and the

[1] The words within square brackets were inserted by section 3 of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).

[2] Section 7-A was inserted by section 4 *ibid.*

[3] The words and figures within square brackets were substituted for the words and figures " under section 6 or section 7 " by section 5 *ibid.*

rent so fixed shall not be revised nor shall the tenant be liable to be evicted for a period of five years.

Application to court for directing the landlord to sell land.

9. (1) Any tenant who is entitled to compensation under section 3 and against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Cause Courts Act, 1882, taken by the landlord, may, within [1][one month] after the date of this Act coming into force, or within [1][one month] after the service on him of summons, apply to the court for an order that the landlord shall be directed to sell the land for a price to be fixed by the court. [2][The Court shall fix the price according to the lowest market value prevalent within seven years preceding the date of the order] and shall order that, within a period to be determined by the court, not being less than three months and not more than three years from the date of the order, the tenant shall pay into court or otherwise as directed the price so fixed in one or more instalments with or without interest.

XV of 1882.

(2) In default of payment by the tenant of any one instalment, the application under sub-section (1) shall stand dismissed, provided that on sufficient cause being shown, the court may excuse the delay and pass such orders as it may think fit, but not so as to extend the time for payment beyond the three years above mentioned. On the application being dismissed, the court shall order the amount of the instalment or instalments, if any, paid by the tenant to be repaid to him without any interest.

(3) On payment of the price the court shall pass a final order directing the conveyance of the land by the landlord to the tenant. On such order being made the suit or proceeding shall stand dismissed, and any decree or order in ejectment that may have been passed therein but which has not been executed shall be vacated.

[3][*Explanation.*—'Land' means the interest of the landlord in the land and all other interests which he can convey under any power and includes also the full interest which a trustee can convey under the power possessed by him to convey trust property when necessity exists for the same or the alienation of the property is for the benefit of the estate or trust.]

Application of sections 4, 5, 6, 8 and 9 to certain suits and applications.

10. (1) [4][Sections 4, 5, 6, 8 and 9] shall apply to suits in ejectment and applications under section 41 of the Presidency

[1] The words "one month" were substituted for the words "fifteen days" by section 6 of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).

[2] The words within square brackets were substituted for the words "The court shall fix the price according to the market value of the land on the date of the order" by *ibid.*

[3] The explanation was substituted for the original explanation by section 7 *ibid.*

[4] The words and figures within square brackets were substituted for the words and figures "sections 4, 5, 6 and 8" by section 8 *ibid.*

Small Cause Courts Act, 1882, which are pending, or in which decrees for ejectment or orders under section 43 of the Presidency Small Cause Courts Act, 1882, have been passed, but have not been executed before the coming into force of this Act. XV of 1882.

(2) In suits in which decrees for ejectment have been passed, the amount of compensation due shall on the application of the tenant be ascertained in execution and a fresh decree passed in accordance with section 4.

(3) In cases in which orders passed under section 43 of the Presidency Small Cause Courts Act, 1882, are pending execution at the commencement of this Act ; the Court shall, on the application of the tenant, recall such orders, ascertain the amount of compensation and pass an *interim* order under section 4. XV of 1882.

Notice before institution of suits of applications against tenants.

11. No suits in ejectment or applications under section 41 of the Presidency Small Cause Courts Act, 1882, shall be instituted or presented against a tenant until the expiration of three months next after notice in writing has been given to him requiring him to surrender possession of the land and building, and offering to pay compensation for the building and trees, if any, and stating the amount thereof. *Ibid.*

A copy of such notice shall at the same time be sent to the Commissioner of the Corporation of Madras.

Effect of contracts made by tenants.

12. Nothing in any contract made by a tenant shall take away or limit his rights under this Act, provided that nothing herein contained shall affect any stipulations made by the tenant in writing registered as to the erection of buildings, in so far as they relate to buildings erected after the date of the contract.

Restriction on the application of the Transfer of Property Act.

13. In its application to the City of Madras, the Transfer of Property Act, 1882, shall to the extent necessary to give effect to the provisions of this Act, be deemed to have been repealed or modified. IV of 1882.

MADRAS ACT No. V OF 1922.[1]

[An Act to amend the Court Fees Act, 1870.]

[18*th April*, 1922]

WHEREAS it is expedient to amend the Court Fees Act, 1870, in its application to the Presidency of Madras ; It is hereby enacted as follows :— VII of 1870.

Short title and application.

1. (*a*) This Act may be called the Madras Court Fees (Amendment) Act, 1922.

(*b*) It extends to the whole of the Presidency of Madras.

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[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, Part IV, dated 7th February 1922, p. 20.

2. (1) In this Act "the principal Act" shall mean "the Court Fees Act, 1870." Interpretation clause.

(2) In this Act and in the principal Act, unless there is anything repugnant in the subject or context, "Memorandum of appeal" shall include memorandum of cross objection.

3. In the second paragraph of section 5 of the principal Act, the words "Registrar" and "Chief Judge" shall be substituted for "clerk of the Court" and "first Judge" respectively. Amendment of section 5 of the principal Act.

4. In section 7 of the principal Act the words "except suits for relief under section 14 of the Religious Endowments Act, 1863, or under section 91 or section 92 of the Code of Civil Procedure, 1908," shall be added between the words "mentioned" and "shall." Amendment of section 7.

5. In section 7 (ii) of the principal Act, after the words "shall be deemed to be" the words "in suits for maintenance, the amount claimed to be payable for one year and in other suits" shall be added. Amendment of section 7 (ii).

6. The following shall be added after the words "Memorandum of appeal" in section 7, paragraph (iv), of the principal Act :— Addition of a proviso to section 7 (iv).

"Provided that in suits coming under sub-clause (*c*), in cases where the relief sought is with reference to any immovable property, such valuation shall not be less than half the value of the immovable property calculated in the manner provided for by paragraph (v) of this section."

7. In section 7 of the principal Act between paragraphs (iv) and (v) the following paragraph shall be added as (iv-A) :— Addition to section 7.

"In a suit for cancellation of a decree for money or other property having a money value, or other document securing money or other property having such value, according to the value of the subject-matter of the suit, and such value shall be deemed to be—

if, the whole decree or other document is sought to be cancelled, the amount or the value of the property for which the decree was passed or the other document executed,

if a part of the decree or other document is sought to be cancelled, such part of the amount or value of the property."

8. In section 7 (v) of the principal Act— Amendment of section 7 (v).

in (*a*) for the word "ten" the word "twenty" shall be substituted ;

in (*b*) for the word "five" the word "ten" shall be substituted ;

and after clause (*d*) the following proviso shall be substituted for the existing proviso :—

"Provided that if rules are framed under section 3 of the Suits Valuation Act, 1887, for determining the value of land for the purposes of jurisdiction, the value so determined shall be deemed to be the value of the land for the purposes of this paragraph."

Amendment of section 11.

9. For the second paragraph of section 11 of the principal Act, the following paragraphs shall be substituted :—

"Where a decree directs an inquiry as to mesne profits which have accrued on the property during a period prior to the institution of the suit, if the profits ascertained on such inquiry exceed the profits claimed, no final decree shall be passed till the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the Court shall fix, the claim for the excess shall be dismissed, unless the Court, for sufficient cause, extends the time for payment.

"Where a decree directs an inquiry as to mesne profits from the institution of the suit, and a final decree is passed in accordance with the result of such inquiry, the decree shall not be executed until such fee is paid as would have been payable on the amount claimed in execution if a separate suit had been instituted therefor."

Amendment of section 18.

10. In section 18 of the principal Act, for the words "eight annas" the words "one rupee" shall be substituted.

Amendment of schedules I and II.

11. For Schedules I and II of the principal Act, the following schedules shall be substituted :—

SCHEDULE I.

AD VALOREM FEES.

Number.		Proper fee.
1. * Plaint or written statement pleading a set-off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) presented to any Civil or Revenue Court except those mentioned in section 3.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Eight annas.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Nine annas.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	One rupee two annas.

* To ascertain the proper fee leviable on the institution of a suit, *see* the table annexed to this schedule.

Number.		Proper fee.
1. * Plaint or written statement pleading a set-off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) presented to any Civil or Revenue Court except those mentioned in section 3—*cont.*	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Seven rupees eight annas.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Fifteen rupees.
	When such amount or value exceeds ten thousand rupees, for every five hundred rupees or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-two rupees eight annas.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees up to thirty thousand rupees.	Thirty rupees.
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Do
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees.	Do.
2.* Plaint or written statement pleading a set-off or counter-claim presented to a court outside the Presidency Town in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject-matter does not exceed Rs. 500.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Six annas.
	When such amount or value exceeds five rupees, for every five rupees or part thereof in excess of five rupees up to one hundred rupees.	Do.
	When such amount or value exceeds one hundred rupees, for every ten rupees or part thereof in excess of one hundred rupees up to five hundred rupees.	Twelve annas.
3. Plaint in a suit for possession under [the Specific Relief Act, 1877, section 9].	....	An amount of one-half the scale of fee prescribed in article 1 above.
4. Application for review of judgment, if presented on or after the nineteenth day from the date of the decree.	....	The fee leviable on the plaint or memorandum of appeal.

* To ascertain the proper fee leviable on the institution of a suit, *see* the table annexed to this schedule.

Number.	——	Proper fee.
5. Application for review of judgment, if presented before the ninetieth day from the date of the decree.	....	One-half of the fee leviable on the plaint or memorandum of appeal.
6. Copy or translation of a judgment or order not being or having the force of a decree.	When such judgment or order is passed by any Civil Court other than a High Court, or by the presiding officer of any Revenue Court or office, or by any other Judicial or Executive Authority—	
	(*a*) If the amount or value of the subject-matter is fifty or less than fifty rupees.	Six annas.
	(*b*) If such amount or value exceeds fifty rupees.	Twelve annas.
	When such judgment or order is passed by a High Court.	One rupee eight annas.
6-A. Copy of translation of a judgment or order of a Criminal Court.	....	Eight annas.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court—	
	(*a*) If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees.	Eight annas.
	(*b*) If such amount or value exceeds fifty rupees.	One rupee.
	When such decree or order is made by a High Court.	Four rupees.
8. Copy of any document liable to stamp duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a*) When the stamp duty chargeable on the original does not exceed eight annas.	The amount of the duty chargeable on the original.
	(*b*) In any other case	Eight annas.
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or office, or from the office of any chief officer charged with the executive administration of a division.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Do.

Number.	——	Proper fee.
10. [*Repealed by the Guardians and Wards Act*, 1890 (*VIII of* 1890).]		
11. Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed five thousand rupees.	Two per centum on such amount or value.
	When such amount or value exceeds five thousand rupees.	Three per centum on such amount or value.
	Provided that when, after the grant of a certificate under the Succession Certificate Act, 1899, or under the Regulation of the Bombay Code, No. VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	
12. Certificate under the Succession Certificate Act, 1889.	When the amount or value of any debt or security specified in the certificate under section 8 of the Act does not exceed five thousand rupees.	Two per centum on such amount or value, and three per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act.
	When such amount or value exceeds five thousand rupees.	Three per centum on such amount or value, and four and half per centum on the amount or value, of any debt or security to which the certificate is extended under section 10 of the Act.
	NOTE.—(1) The amount of a debt is its amount, including interest, on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.	
	(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act; and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.	

TABLE OF RATES OF AD VALOREM FEES LEVIABLE.

(a) *On plaints, etc., mentioned in article 1 of this schedule.*

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.	When the amount or value of the subject-matter exceeds.	But does not exceed	Proper fee.
RS.	RS.	RS. A.	RS.	RS.	RS. A.
..	5	0 8	440	450	50 9
5	10	1 1	450	460	51 11
10	15	1 10	460	470	52 13
15	20	2 3	470	480	53 15
20	25	2 12	480	490	55 1
25	30	3 5	490	500	56 3
30	35	3 14	500	510	57 5
35	40	4 7	510	520	58 7
40	45	5 0	520	530	59 9
45	50	5 9	530	540	60 11
50	55	6 2	540	550	61 13
55	60	6 11	550	560	62 15
60	65	7 4	560	570	64 1
65	70	7 13	570	580	65 3
70	75	8 6	580	590	66 5
75	80	8 15	590	600	67 7
80	85	9 8	600	610	68 9
85	90	10 1	610	620	69 11
90	95	10 10	620	630	70 13
95	100	11 3	630	640	71 15
100	110	12 5	640	650	73 1
110	120	13 7	650	660	74 3
120	130	14 9	660	670	75 5
130	140	15 11	670	680	76 7
140	150	16 13	680	690	77 9
150	160	17 15	690	700	78 11
160	170	19 1	700	710	79 13
170	180	20 3	710	720	80 15
180	190	21 5	720	730	82 1
190	200	22 7	730	740	83 3
200	210	23 9	740	750	84 5
210	220	24 11	750	760	85 7
220	230	25 13	760	770	86 9
230	240	26 15	770	780	87 11
240	250	28 1	780	790	88 13
250	260	29 3	790	800	89 15
260	270	30 5	800	810	91 1
270	280	31 7	810	820	92 3
280	290	32 9	820	830	93 5
290	300	33 11	830	840	94 7
300	310	34 13	840	850	95 9
310	320	35 15	850	860	96 11
320	330	37 1	860	870	97 13
330	340	38 3	870	880	98 15
340	350	39 5	880	890	100 1
350	360	40 7	890	900	101 3
360	370	41 9	900	910	102 5
370	380	42 11	910	920	103 7
380	390	43 13	920	930	104 9
390	400	44 15	930	940	105 11
400	410	46 1	940	950	106 13
410	420	47 3	950	960	107 15
420	430	48 5	960	970	109 1
430	440	49 7	970	980	110 3

TABLE OF RATES OF AD VALOREM FEES LEVIABLE—*cont.*

(*a*) *On plaints, etc., mentioned in article* 1 *of this schedule*—cont.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.		When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.	
RS.	RS.	RS.	A.	RS.	RS.	RS.	A.
980	990	111	5	7,250	7,500	562	7
990	1,000	112	7	7,500	7,750	577	7
1,000	1,100	119	15	7,750	8,000	592	7
1,100	1,200	127	7	8,000	8,250	607	7
1,200	1,300	134	15	8,250	8,500	622	7
1,300	1,400	142	7	8,500	8,750	637	7
1,400	1,500	149	15	8,750	9,000	652	7
1,500	1,600	157	7	9,000	9,250	667	7
1,600	1,700	164	15	9,250	9,500	682	7
1,700	1,800	172	7	9,500	9,750	697	7
1,800	1,900	179	15	9,750	10,000	712	7
1,900	2,000	187	7	10,000	10,500	734	15
2,000	2,100	194	15	10,500	11,000	757	7
2,100	2,200	202	7	11,000	11,500	779	15
2,200	2,300	209	15	11,500	12,000	802	7
2,300	2,400	217	7	12,000	12,500	824	15
2,400	2,500	224	15	12,500	13,000	847	7
2,500	2,600	232	7	13,000	13,500	869	15
2,600	2,700	239	15	13,500	14,000	892	7
2,700	2,800	247	7	14,000	14,500	914	15
2,800	2,900	254	15	14,500	15,000	937	7
2,900	3,000	262	7	15,000	15,500	959	15
3,000	3,100	269	15	15,500	16,000	982	7
3,100	3,200	277	7	16,000	16,500	1,004	15
3,200	3,300	284	15	16,500	17,000	1,027	7
3,300	3,400	292	7	17,000	17,500	1,049	15
3,400	3,500	299	15	17,500	18,000	1,072	7
3,500	3,600	307	7	18,000	18,500	1,094	15
3,600	3,700	314	15	18,500	19,000	1,117	7
3,700	3,800	322	7	19,000	19,500	1,139	15
3,800	3,900	329	15	19,500	20,000	1,162	7
3,900	4,000	337	7	20,000	21,000	1,192	7
4,000	4,100	344	15	21,000	22,000	1,222	7
4,100	4,200	352	7	22,000	23,000	1,252	7
4,200	4,300	359	15	23,000	24,000	1,282	7
4,300	4,400	367	7	24,000	25,000	1,312	7
4,400	4,500	374	15	25,000	26,000	1,342	7
4,500	4,600	382	7	26,000	27,000	1,372	7
4,600	4,700	389	15	27,000	28,000	1,402	7
4,700	4,800	397	7	28,000	29,000	1,432	7
4,800	4,900	404	15	29,000	30,000	1,462	7
4,900	5,000	412	7	30,000	32,000	1,492	7
5,000	5,250	427	7	32,000	34,000	1,522	7
5,250	5,500	442	7	34,000	36,000	1,552	7
5,500	5,750	457	7	36,000	38,000	1,582	7
5,750	6,000	472	7	38,000	40,000	1,612	7
6,000	6,250	487	7	40,000	42,000	1,642	7
6,250	6,500	502	7	42,000	44,000	1,672	7
6,500	6,750	517	7	44,000	46,000	1,702	7
6,750	7,000	532	7	46,000	48,000	1,732	7
7,000	7,250	547	7	48,000	50,000	1,762	7

When the amount or value of the subject-matter exceeds Rs. 50,000 for every five thousand rupees or part thereof in excess of fifty thousand rupees—thirty rupees.

TABLE OF RATES OF AD VALOREM FEES LEVIABLE—*cont.*

(b) On plaints, etc., mentioned in article 2 of this schedule.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.	When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
RS.	RS.	RS. A.	RS.	RS.	RS. A.
..	5	0 6	200	210	15 12
5	10	0 12	210	220	16 8
10	15	1 2	220	230	17 4
15	20	1 8	230	240	18 0
20	25	1 14	240	250	18 12
25	30	2 4	250	260	19 8
30	35	2 10	260	270	20 4
35	40	3 0	270	280	21 0
40	45	3 6	280	290	21 12
45	50	3 12	290	300	22 8
50	55	4 2	300	310	23 4
55	60	4 8	310	320	24 0
60	65	4 14	320	330	24 12
65	70	5 4	330	340	25 8
70	75	5 10	340	350	26 4
75	80	6 0	350	360	27 0
80	85	6 6	360	370	27 12
85	90	6 12	370	380	28 8
90	95	7 2	380	390	29 4
95	100	7 8	390	400	30 0
100	110	8 4	400	410	30 12
110	120	9 0	410	420	31 8
120	130	9 12	420	430	32 4
130	140	10 8	430	440	33 0
140	150	11 4	440	450	33 12
150	160	12 0	450	460	34 8
160	170	12 12	460	470	35 4
170	180	13 8	470	480	36 0
180	190	14 4	480	490	36 12
190	200	15 0	490	500	37 8

SCHEDULE II.

FIXED FEES.

Number.			Proper fee.
1. Application or petition.		(*a*) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings;	One anna.
		or when presented to any officer of Land revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement;	Two annas.

FIXED FEES--*cont.*

Number.		Proper fee.
1. Application or petition—*cont.*	or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;	One anna.
	or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under Act No. IX of 1887, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;	Two annas.
	or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or office.	
	(*b*) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Criminal Procedure Code, arrest without warrant and presented to any Criminal Court;	In the case of a criminal complaint one rupee and in other cases twelve annas.
	or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act;	
	or to deposit in Court revenue or rent;	Eight annas.
	or for determination by a Court of the amount of compensation to be paid by landlord to his tenant.	
	(*c*) When presented to a Chief Commissioner or other Chief Controlling Revenue or Executive authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a division and not otherwise provided for by this Act.	One rupee eight annas.
	(*d*) (i) When presented to a High Court under section 115 of the Code of Civil Procedure, 1908, for revision of an order—	
	(*a*) when the value of the suit or proceeding to which the order relates does not exceed thousand rupees.	Five rupees.
	(*b*) when the value of the suit or proceeding exceeds thousand rupees.	Ten rupees.
	(ii) When presented to a High Court otherwise than under that section.	Two rupees.

FIXED FEES—*cont.*

Number.	——	Proper fee.
1-A. Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	Twelve annas in addition to any fee levied on the application under clause (*a*), clause (*b*) or clause (*d*) of article 1 of this schedule.
2. Application for leave to sue as a pauper.	....	Eight annas.
3. Application for leave to appeal as a pauper.	(*a*) When presented to a District Court or a Sub-Court.	One rupee.
	(*b*) When presented to a Commissioner or a High Court.	Two rupees.
4. [Omitted.]		
5. Plaint or memorandum of appeal in a suit to establish or disapprove a right of occupancy. 6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrates under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, and not otherwise provided for in this Act. 7. Undertaking under section 49 of the Indian Divorce Act, 1869.	....	Eight annas.
8. [*Rep. by the Repealing and Amending Act, 1891 (XII of 1891).*]		
9. [*Rep. by Act XII of 1891.*]		
10. Mukhtārnāma, Vakālatnāma or any paper signed by an Advocate signifying or intimating that he is retained for a party.	When presented for the conduct of any one case— (*a*) to any Civil or Criminal Court other than a High Court or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except those mentioned in clauses (*b*) and (*c*) of this number;	One rupee.

FIXED FEES—*cont*

Number.		Proper fee.
10. Mukhtārnāma, Vakālatnāma or any paper signed by an Advocate signifying or intimating that he is retained for a party—*cont.*	When presented for the conduct of any one case—*cont.*	
	(*b*) to a Commissioner of Revenue, Circuit or Customs or to any officer charged with the executive administration of a Division, not being the Chief Revenue or Executive Authority;	One rupee eight annas.
	(*c*) to a High Court, Chief Commissioner, Board of Revenue, or other Chief Controlling Revenue or Executive Authority.	Three rupees.
11. Memorandum of appeal when the appeal is from an order inclusive of an order determining any question under section 47 or section 144 of the Code of Civil Procedure, 1908, and is presented.	(*a*) to any Civil Court other than a High Court or to any Revenue Court or Executive officer other than the High Court or Chief Controlling Revenue or Executive Authority;	One rupee.
	(*b*) to a High Court or Chief Commissioner, or other Chief Controlling Executive or Revenue Authority.	Two rupees.
12. Caveat ..	....	Ten rupees.
13. [Omitted.]		
14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.	....	Five rupees.
15. [*Rep. by Act 5 of 1908.*]		
16. [*Rep. by Act 6 of 1889, s. 18 (1).*]		
17. Plaint or memorandum of appeal in a suit—		
(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court; (ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates;	....	Fifteen rupees.

FIXED FEES—*cont.*

Number.		Proper fee.
17. Plaint or memorandum of appeal in a suit—*cont.*		
(iii) for relief under section 14 of the Religious Endowments Act, 1863, or under section 91 or section 92 of the Code of Civil Procedure, 1908.	....	Fifty rupees.
17-A. Plaint or memorandum of appeal in a suit— (i) to obtain a declaratory decree where no consequential relief is prayed; (ii) to set aside an award; (iii) to obtain a declaration that an alleged adoption is invalid or never in fact took place or to obtain a declaration that an adoption is valid.	When the plaint is presented to or the memorandum of appeal is against the decree of—	
	(*a*) District Munsif's Court or the City Civil Court.	Fifteen rupees.
	(*b*) District Court or a Sub-Court.	Hundred rupees if the value for purposes of jurisdiction is less than ten thousand rupees; five hundred rupees if such value is ten thousand rupees or upwards.
17-B. Plaint or memorandum of appeal in every suit where it is not possible to estimate at a money value the subject-matter in dispute and which is not otherwise provided for by this Act.	When the plaint is presented to or the memorandum of appeal is against the decree of—	
	(*a*) Revenue Court	Ten rupees.
	(*b*) District Munsif's Court or the City Civil Court.	Fifteen rupees.
	(*c*) District Court or a Sub-Court.	One hundred rupees.
18. Applications under section 17 or section 20 of the second schedule of the Code of Civil Procedure, 1908.	When presented to a District Munsif's Court or the City Civil Court.	Fifteen rupees.
19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.	When presented to a District Court or a Sub-Court.	One hundred rupees.

MADRAS ACT No. VI OF 1922.[1]

[THE MADRAS STAMP (AMENDMENT) ACT 1922.]

[25*th April*, 1922.]

An Act to amend the Indian Stamp Act, 1899, in its application to the Presidency of Madras.

Preamble.

WHEREAS it is expedient to amend the Indian Stamp Act, 1899, in its application to the Presidency of Madras ;

AND WHEREAS the previous sanction of the Governor-General has been obtained under section 80-A, sub-section (3), of the Government of India Act to the passing of this Act ;

It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Madras Stamp (Amendment) Act, 1922.

(2) It extends to the whole of the Presidency of Madras.

Interpretation clause.

2. In this Act the words " the principal Act " shall mean the Indian Stamp Act, 1899.

Amendment of clause (10) of section 2 of Act II of 1899.

3. To clause (10) of section 2 of the principal Act the following shall be added, namely :—" or by Schedule I-A, as the case may be."

Amendment of section 3.

4. In section 3 of the principal Act,—

(1) after clause (*c*) the following shall be inserted, namely :—

" Provided that, except as otherwise expressly provided in this Act, and notwithstanding anything contained in clause (*a*) or (*c*) of this section or in Schedule I, the amount indicated in Schedule I-A shall subject to the exceptions contained in that schedule, be the duty chargeable on the following instruments :—

(*aa*) every instrument, mentioned in Schedule I-A as chargeable with duty under that schedule, which, not having been previously executed by any person, is executed in the Presidency of Madras on or after the first day of April 1922 ;

(*bb*) every instrument, mentioned in Schedule I-A as chargeable with duty under that schedule, which, not having been previously executed by any person, is executed out of the Presidency of Madras on or after the first day of April 1922, and relates to any property situated or to any matter or thing done or to be done in the said Presidency and is received in the said Presidency."

(2) after the word " Provided " the word " also " shall be inserted.

[1] For Statement of Objects and Reasons *see Fort St. George Gazette*, Part IV, dated 7th February 1922, page 41.

Amendment of section 4.

5. In sub-section (1) of section 4 of the principal Act—

(*a*) after the words and figure "in Schedule I," the words, figure and letter "or in Schedule I-A as the case may be" shall be inserted ;

(*b*) after the words "one rupee" the words "or one rupee eight annas" shall be inserted ;

(*c*) for the words "in that Schedule" the words, figures and letter "in Schedule I or in Schedule I-A as the case may be" shall be substituted.

Amendment of section 6.

6. In section 6 of the principal Act, after the word and figure "Schedule I" the words, figure and letter "or in Schedule I-A as the case may be" and after the words "one rupee" the words "or one rupee eight annas as the case may be" shall be inserted.

Addition of a new section 19-A.

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

"19-A. Where any instrument has become chargeable in any part of British India other than the Presidency of Madras with duty under the Stamp law in force in that part of British India and thereafter becomes chargeable with a higher rate of duty in the said Presidency under clause (*bb*) of the first proviso to section 3—

Payment of duty on certain instruments liable to increased duty under clause (*bb*) of section 3.

(i) notwithstanding anything contained in the first proviso to section 3, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule I-A less the amount of duty, if any, already paid on it in British India,

(ii) in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (*i*) in the same manner and at the same time and by the same persons as though such instrument were an instrument received in British India for the first time at the time when it became chargeable with the higher duty, and

(iii) the provisions contained in clause (*b*) or clause (*c*), as the case may be, of the proviso to sub-section (3) of section 32 shall, with the necessary modifications, apply to such instrument, but the provisions contained in clause (*a*) of the said proviso shall not apply thereto."

8. In sub-section (1) [1][*] of section 23-A after the word and figure "Schedule I" the words, figure and letter "or article No. 4 (*c*) of Schedule I-A as the case may be" shall be inserted. Amendment of section 23-A.

9. In section 24 after the word and figure "Schedule I" the words, figures and letter "or article 16 of Schedule I-A as the case may be" shall be inserted. Amendment of section 24.

10. In clause (*a*) of section 29 after the word and figure "Schedule I" the words, figure and letter "or the corresponding articles of Schedule I-A as the case may be" shall be inserted. Amendment of section 29.

11. In clause (*c*) of the proviso to sub-section (3) of section 32, after the words "half an anna," the following shall be inserted, namely :— Amendment of section 32.

"or a mortgage of crop [article 34 (*a*) of Schedule I-A] chargeable under clauses (*aa*) or (*bb*) of section 3 with a duty of two annas."

12. In clause (*a*) of the proviso to section 35, in sub-section (1) of section 40 and in section 41, after the words "half an anna only," the following shall be inserted, namely: — Amendment of sections 35, 40 and 41.

"or a mortgage of crop [article 34 (*a*) of Schedule I-A] chargeable under clauses (*aa*) or (*bb*) of section 3 with a duty of two annas."

13. After Schedule I of the principal Act the following shall be inserted, namely :— Addition of a new Schedule I-A.

SCHEDULE I-A.

Stamp-duty on certain Instruments under the Madras Stamp (Amendment) Act, 1922.

(See section 3, first proviso.)

Description of instrument.	Proper stamp duty.
1. ADMINISTRATION-BOND including a bond given under section 256 of the Indian Succession Act, 1865, section 6 of the Government Savings Banks Act, 1873, section 78 of the Probate and Administration Act, 1881, or section 9 or section 10 of the Succession Certificate Act, 1889—	
(*a*) where the amount does not exceed Rs. 1,000 ;	The same duty as a bond (No. 13) for such amount.
(*b*) in any other case ..	Ten rupees.

X of 1865. V of 1873. V of 1881. VII of 1889.

[1] The letter and brackets '(*b*)' were omitted by section 2 of the Madras Stamp (Further Amendment) Act, 1923 (Madras Act VI of 1923).

Description of instrument.	Proper stamp duty.
2. ADOPTION-DEED, that is to say, any instrument (other than a will), recording an adoption, or conferring or purporting to confer an authority to adopt.	Fifteen rupees.
ADVOCATE.—*See* Entry as an Advocate (No. 25).	
3. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	Two rupees.
Exemptions.	
Affidavit or declaration in writing when made— (*a*) as a condition of enlistment under the Indian Army Act, 1911 ; VIII of 1911. (*b*) for the immediate purpose of being filed or used in any Court or before the officer of any Court ; or (*c*) for the sole purpose of enabling any person to receive any pension or charitable allowance.	
4. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—	
(*a*) if relating to the sale of a bill of exchange ;	Three annas.
(*b*) if relating to the sale of a Government security or share in an incorporated company or other body corporate ;	Subject to a maximum of fifteen rupees one and a half annas for every Rs. 10,000 or part thereof, of the value of the security or share.
(*c*) if not otherwise provided for.	Twelve annas.
Exemptions.	
Agreement or memorandum of agreement— (*a*) for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No. 36 ;	

Description of instrument.	Proper stamp duty.
Agreement or memorandum of agreement—	
(*b*) made in the form of tenders to the Government of India for, or relating to, any loan ;	
(*c*) made under the European Vagrancy Act, 1874, section 17. IX of 1874.	
AGREEMENT TO LEASE.— *See* LEASE (No. 30).	
5. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—	
(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or	
(2) the pawn or pledge of movable property,	
where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—	
(*a*) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement—	

Description of instrument.		Proper stamp duty.								
			If drawn singly.			If drawn in set of two for each part of the set.			If drawn in set of three for each part of the set.	
		RS.	RS.	A.	P.	RS.	A.	P.	RS.	A. P.
(i) when the amount of the loan or debt does not exceed		200	0	4	6	0	3	0	0	1 6
(ii) when it exceeds Rs. 200 but does not exceed ..		400	0	9	0	0	4	6	0	3 0
Do.	400 do.	600	0	13	6	0	7	6	0	4 6
Do.	600 do.	800	1	2	0	0	9	0	0	6 0
Do.	800 do.	1,000	1	6	6	0	12	0	0	7 6
Do.	1,000 do.	1,200	1	11	0	0	13	6	0	9 0
Do.	1,200 do.	1,600	2	4	0	1	2	0	0	12 0

Description of instrument.	RS.	Proper stamp duty. If drawn singly.			If drawn in set of two for each part of the set.			If drawn in set of three for each part of the set.		
		RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
(*ii*) when it exceeds Rs. 1,600 but does not exceed	2,500	3	6	0	1	11	0	1	2	0
Do. 2,500 do.	5,000	6	12	0	3	6	0	2	4	0
(*iii*) when it exceeds Rs. 5,000 but does not exceed	7,500	[1][10	2	0]	5	1	0	3	6	0
Do. 7,500 do.	10,000	13	8	0	6	12	0	4	8	0
Do. 10,000 do.	15,000	20	4	0	10	2	0	6	12	0
Do. 15,000 do.	20,000	27	0	0	13	8	0	9	0	0
Do. 20,000 do.	25,000	33	12	0	16	14	0	11	4	0
Do. 25,000 do.	30,000	40	8	0	20	4	0	13	8	0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000		13	8	0	6	12	0	4	8	0
(*b*) if such loan or debt is repayable not more than three months from the date of such instrument.		Half the duty payable on a loan or debt under clause (*a*) (*i*) or clause (*a*) (*ii*) for the amount secured [2][stamp duty of quarter anna shall be reckoned as half anna and three-quarter anna as one anna].								
Exemption.										
Instrument of pawn or pledge of goods if unattested.										
6. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a will.		Twenty-five rupees.								
7. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit—										
(*a*) where the amount does not exceed Rs. 1,000.		The same duty as a Bottomry Bond (No. 14) for such amount.								
(*b*) in any other case ..		Seven rupees eight annas.								

[1] These figures were substituted for the figures '10-0-0' by section 4 (*a*) of the Madras Stamp (Further Amendment) Act, 1923 (Madras Act VI of 1923).

[2] These words were inserted by section 3 (*b*) *ibid.*

Description of instrument.	Proper stamp duty.
Exemptions. (*a*) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law. (*b*) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.	
8. APPRENTICESHIP - DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment, not being Articles of Clerkship (No. 10).	Seven rupees eight annas.
Exemption. Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by, or at the charge of, any public charity.	
9. ARTICLES OF ASSOCIATION OF A COMPANY.	Fifty rupees.
Exemption. Articles of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1913. *See* also Memorandum of Association of a Company (No. 32).	
10. ARTICLES OF CLERKSHIP or contract, whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court.	Three hundred and seventy-five rupees.

XIX of 1850.

VII of 1913.

Description of instrument.	Proper stamp duty.
ASSIGNMENT.—*See* Conveyance (No. 19), transfer (No. 50), and transfer of lease (No. 51), as the case may be.	
ATTORNEY.—*See* Entry as an Attorney (No. 25), and power-of-attorney (No. 40).	
AUTHORITY TO ADOPT.—*See* Adoption-deed (No. 2).	
11. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—	
(*a*) where the amount or value of the property to which the award relates, as set forth in such award, does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 14) for such amount.
(*b*) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000 ;	Ten rupees.
and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000.	Eight annas subject to a maximum of fifty rupees.
Exemption.	
Award under the Bombay District Municipal Act, 1901, section 160, or the Bombay Hereditary Offices Act, 1874, section 18.	Bom. Act III of 1901. Bom. Act III of 1874.
12. BILL OF LADING (including a through bill of landing).	Six annas.
	N.B.—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.
Exemptions.	
(*a*) Bill of lading when the goods therein described are received at a place within the limits of any port, as defined under the Indian Ports Act, 1908, and are to be delivered at another place within the limits of the same port.	XV of 1908.

Description of instrument.	Proper stamp duty.
(*b*) Bill of lading when executed out of British India and relating to property to be delivered in British India.	
13. BOND as defined by section 2 (5), not being a DEBENTURE (No. 23), and not being otherwise provided for by this Act, or by the Court-fees Act, 1870— (VII of 1870.)	
where the amount or value secured does not exceed Rs. 10 ;	Two annas.
where it exceeds Rs. 10 and does not exceed Rs. 50 ;	Four annas.
where it exceeds Rs. 50 and does not exceed Rs. 100 ;	Eight annas.
where it exceeds Rs. 100 and does not exceed Rs. 200 ;	One rupee four annas.
where it exceeds Rs. 200 and does not exceed Rs. 300 ;	One rupee fourteen annas.
where it exceeds Rs. 300 and does not exceed Rs. 400 ;	Two rupees eight annas.
where it exceeds Rs. 400 and does not exceed Rs. 500 ;	Three rupees two annas.
where it exceeds Rs. 500 and does not exceed Rs. 600 ;	Four rupees eight annas.
where it exceeds Rs. 600 and does not exceed Rs. 700 ;	Five rupees four annas.
where it exceeds Rs. 700 and does not exceed Rs. 800 ;	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900 ;	Six rupees twelve annas.
where it exceeds Rs. 900 and does not exceed Rs. 1,000 ;	Seven rupees eight annas.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees twelve annas

Description of instrument.	Proper stamp duty.
See Administration Bond (No. 1), Bottomry Bond (No. 14), Customs Bond (No. 22), Indemnity Bond (No. 29), Respondentia Bond (No. 45), Security Bond (No. 46.)	
Exemptions.	
Bond, when executed by—	
(*a*) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act ;	Ben. Act III of 1876.
(*b*) any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem.	
14. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage—	
where the amount or value secured does not exceed Rs. 10 ;	Three annas.
where it exceeds Rs. 10 and does not exceed Rs. 50 ;	Six annas.
where it exceeds Rs. 50 and does not exceed Rs. 100 ;	Twelve annas.
where it exceeds Rs. 100 and does not exceed Rs. 200 ;	One rupee eight annas.
where it exceeds Rs. 200 and does not exceed Rs. 300 ;	Two rupees four annas.
where it exceeds Rs. 300 and does not exceed Rs. 400 ;	Three rupees.

Description of instrument.	Proper stamp duty.
where it exceeds Rs. 400 and does not exceed Rs. 500 ;	Three rupees twelve annas.
where it exceeds Rs. 500 and does not exceed Rs. 600 ;	Four rupees eight annas.
where it exceeds Rs. 600 and does not exceed Rs. 700 ;	Five rupees four annas.
where it exceeds Rs. 700 and does not exceed Rs. 800 ;	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900 ;	Six rupees twelve annas.
where it exceeds Rs. 900 and does not exceed Rs. 1,000 ;	Seven rupees eight annas.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees twelve annas.
15. CANCELLATION.—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Seven rupees eight annas.
See also RELEASE (No. 44), Revocation of Settlement (No. 47-B), Surrender of Lease (No. 49), Revocation of Trust (No. 52-B).	
16. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold), granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue officer—	
(*a*) where the purchase-money does not exceed Rs. 10 ;	Three annas.
(*b*) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25 ;	Six annas.
(*c*) in any other case ..	The same duty as a Conveyance (No. 19) for a consideration equal to the amount of the purchase-money only.

Description of instrument.	Proper stamp duty.
17. CHARTER PARTY, that is to say, any instrument (except an agreement for the hire of a tug-steamer), whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.	Two rupees.
18. COMPOSITION-DEED, that is to say, any instrument executed by a debtor, whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of licence, for the benefit of his creditors.	Fifteen rupees.
19. CONVEYANCE [as defined by section 2 (10)], not being a Transfer charged or exempted under No. 50—	
where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50 ;	Twelve annas.
where it exceeds Rs. 50 but does not exceed Rs. 100 ;	One rupee eight annas.
where it exceeds Rs. 100 but does not exceed Rs. 200 ;	Three rupees.
where it exceeds Rs. 200 but does not exceed Rs. 300 ;	Four rupees eight annas.
where it exceeds Rs. 300 but does not exceed Rs. 400 ;	Six rupees.
where it exceeds Rs. 400 but does not exceed Rs. 500 ;	Seven rupees eight annas.
where it exceeds Rs. 500 but does not exceed Rs. 600 ;	Nine rupees.

Description of instrument.	Proper stamp duty.
where it exceeds Rs. 600 but does not exceed Rs. 700 ;	Ten rupees eight annas.
where it exceeds Rs. 700 but does not exceed Rs. 800 ;	Twelve rupees.
where it exceeds Rs. 800 but does not exceed Rs. 900 ;	Thirteen rupees eight annas
where it exceeds Rs. 900 but does not exceed Rs. 1,000.	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Seven rupees eight annas.
Exemptions.	
Assignment of copyright under the Indian Copyright Act, 1914, section 5.	
CO-PARTNERSHIP DEED.—*See* Partnership (No. 39).	
20. COPY OR EXTRACT, certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—	
(i) if the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee ;	Twelve annas.
(ii) in any other case ..	One rupee eight annas.
Exemptions.	
(*a*) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	
(*b*) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.	

III of 1914.

Description of instrument.	Proper stamp duty.
21. COUNTERPART OR DUPLICATE of any instrument, chargeable with duty and in respect of which the proper duty has been paid—	
(*a*) if the duty with which the original instrument is chargeable does not exceed one rupee eight annas ;	The same duty as is payable on the original.
(*b*) in any other case ..	One rupee eight annas.
Exemption.	
Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.	
22. CUSTOMS-BOND—	
(*a*) where the amount does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 14) for such amount.
(*b*) in any other case ..	Ten rupees.
23. DEBENTURE (whether a mortgage debenture or not), being a marketable security transferable—	
(*a*) by endorsement or by a separate instrument of transfer ;	The same duty as a Bottomry Bond (No. 14) for the same amount.
(*b*) by delivery	The same duty as a Conveyance (No. 19) for a consideration equal to the face amount of the debenture.
Explanation.—The term "Debenture" includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.	
Exemption.	
A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in	

Description of instrument.	Proper stamp duty.
whole or in part, their property to trustees for the benefit of the debenture-holders; provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed. *See* also Bond (No. 13) and sections 8 and 55. DECLARATION OF ANY TRUST.—*See* Trust (No. 52). DEPOSIT OF TITLE-DEEDS.—*See* Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 5). DISSOLUTION OF PARTNERSHIP.—*See* Partnership (No. 39).	
24. DIVORCE.— Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage. DOWER.—Instrument of. *See* Settlement (No. 47). DUPLICATE.—See Counterpart (No. 21).	Two rupees.
25. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT, [1][under the Indian Bar Councils Act, 1926, or] in exercise of powers conferred on such Court by Letters Patent or by the Legal Practitioners Act, 1884—	
(*a*) in the case of an Advocate or Vakil;	Six hundred and twenty-five rupees.
(*b*) in the case of an Attorney.	Three hundred and twelve rupees eight annas.
Exemption. Entry of an Advocate, Vakil or Attorney on the roll of any High Court, when he has previously been enrolled in a High Court.	

IX of 1884.

[1] These words were inserted by the Schedule to the Indian Bar Councils Act, 1926 (Act XXXVIII of 1926).

Description of instrument.	Proper stamp duty.
26. EXCHANGE OF PROPERTY —Instrument of.	The same duty as a Conveyance (No. 19) for a consideration equal to the value of the property of greatest value as set forth in such instrument.
EXTRACT.—*See* Copy (No. 20).	
27. FURTHER CHARGE.—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—	
(*a*) when the original mortgage is one of the description referred to in clause (*a*) of Article No. 33 (that is, with possession) ;	The same duty as a Conveyance (No. 19) for a consideration equal to the amount of the further charge secured by such instrument.
(*b*) when such mortgage is one of the description referred to in clause (*b*) of Article No. 33 (that is, without possession)—	
(i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument ;	The same duty as a Conveyance (No. 19) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made), less the duty already paid on such original mortgage and further charge.
(ii) if possession is not so given.	The same duty as a Bottomry Bond (No. 14) for the amount of the further charge secured by such instrument.
28. GIFT—Instrument of, not being a Settlement (No. 47), or Will or Transfer (No. 50).	The same duty as a Conveyance (No. 19) for a consideration equal to the value of the property as set forth in such instrument.
HIRING AGREEMENT *or* agreement for service. *See* Agreement (No. 4).	
29. INDEMNITY-BOND.	The same duty as a Security Bond (No. 46) for the same amount.

Description of instrument.	Proper stamp duty.
INSPECTORSHIP-DEED.—*See* Composition-deed (No. 18).	
30. LEASE, including an under-lease or sub-lease and any agreement to let or sublet—	
(*a*) where by such lease the rent is fixed and no premium is paid or delivered—	
(i) where the lease purports to be for a term of less than one year ;	The same duty as a Bottomry Bond (No. 14) for the whole amount payable or deliverable under such lease.
(ii) where the lease purports to be for a term of not less than one year, but not more than five years ;	The same duty as a Bottomry Bond (No. 14) for the amount or value of the average annual rent reserved.
(iii) where the lease purports to be for a term exceeding five years and not exceeding ten years ;	The same duty as a Conveyance (No. 19) for a consideration equal to the amount or value of the average annual rent reserved.
(iv) where the lease purports to be for a term exceeding ten years, but not exceeding twenty years ;	The same duty as a Conveyance (No. 19) for a consideration equal to twice the amount or value of the average annual rent reserved.
(v) where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years ;	The same duty as a Conveyance (No. 19) for a consideration equal to three times the amount or value of the average annual rent reserved.
(vi) where the lease purports to be for a term exceeding thirty years, but not exceeding one hundred years ;	The same duty as a Conveyance (No. 19) for a consideration equal to four times the amount or value of the average annual rent reserved.
(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity ;	The same duty as a Conveyance (No. 19) for a consideration equal to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.

Description of instrument.	Proper stamp duty.
(viii) where the lease does not purport to be for any definite term ;	The same duty as a Conveyance (No. 19) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.
(*b*) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved ;	The same duty as a Conveyance (No. 19) for a consideration equal to the amount of value of such fine or premium, or advance as set forth in the lease.
(*c*) where the lease is granted for a fine or premium, or for money advanced in addition to rent reserved.	The same duty as a Conveyance (No. 19) for a consideration equal to the amount or value of such fine or premium, or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered : Provided that, in any case when an agreement to lease is stamped with the *ad valorem* stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed twelve annas.
Exemptions.	
(*a*) Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.	

Description of instrument.	Proper stamp duty.
(*b*) Lease of fisheries granted under the Burma Fisheries Act, 1905, or the Upper Burma Land and Revenue Regulation, 1889.	
Explanations.—When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlord's share of cesses, or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.	
LETTER OF GUARANTEE.—*See* Agreement (No. 4).	
31. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.	Fifteen rupees.
32. MEMORANDUM OF ASSOCIATION OF A COMPANY—	
(*a*) if accompanied by articles of association under section 17 of the Indian Companies Act, 1913.	Thirty rupees.
(*b*) if not so accompanied.	Eighty rupees.
Exemptions.	
Memorandum of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1913.	
33. MORTGAGE-DEED, not being an Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 5), Bottomry Bond (No. 14),	

Bur. Act III of 1905.

III of 1889

VII of 1913.

VII of 1913.

Description of instrument.	Proper stamp duty.
Mortgage of a Crop (No. 34), Respondentia Bond (No. 45), or Security Bond (No. 46)—	
(*a*) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given ;	The same duty as a Conveyance (No. 19) for a consideration equal to the amount secured by such deed.
(*b*) when possession is not given or agreed to be given as aforesaid ;	The same duty as a Bottomry Bond (No. 14) for the amount secured by such deed.
Explanation.—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article ;	
(*c*) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped—	
for every sum secured not exceeding Rs. 1,000 ;	Twelve annas.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Do.
Exemptions.	
(1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884, or by their sureties as security for the repayment of such advances.	XIX of 1883. XII of 1884.
(2) Letter of hypothecation accompanying a bill of exchange.	

Description of instrument.	Proper stamp duty.
34. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—	
(*a*) when the loan is repayable not more than three months from the date of the instrument—	
for every sum secured not exceeding Rs. 200 ;	Two annas.
and for every Rs. 200 or part thereof secured in excess of Rs. 200 :	Two annas.
(*b*) when the loan is repayable more than three months, but not more than eighteen months from the date of the instrument—	
for every sum secured not exceeding Rs. 100 ;	Three annas.
and for every Rs. 100 or part thereof secured in excess of Rs. 100.	Do.
35. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate, or entry not being a PROTEST (No. 41) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.	One rupee eight annas.
See also Protest of Bill or Note (No. 41).	
36. NOTE OR MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—	
(*a*) of any goods exceeding in value twenty rupees ;	Three annas.

Description of instrument.	Proper stamp duty.
(*b*) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of fifteen rupees, two annas for every Rs. 10,000 or part thereof of the value of the stock or security.
37. NOTE OF PROTEST BY THE MASTER OF A SHIP—*See* also Protest by the Master of a ship (No. 42).	One rupee.
38. PARTITION—Instrument of [as defined by section 2 (15)].	The same duty as a Bottomry Bond (No. 14) for the amount of the value of the separated share or shares of the property. *N.B.*—The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated : Provided always that— (*a*) when an instrument of partition containing an agreement to divide property in severalty is executed and partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than twelve annas. (*b*) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue. (*c*) where a final order for effecting a partition passed by any Revenue authority or any Civil Court, or an award by an arbitrator directing a partition is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed twelve annas.

Description of instrument.	Proper stamp duty.
39. PARTNERSHIP—	
A.—Instrument of—	
(*a*) where the capital of the partnership does not exceed Rs. 500 ;	Five rupees.
(*b*) in any other case ..	Twenty rupees.
B.—Dissolution of—.	Ten rupees.
PAWN OR PLEDGE—*See* Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 5).	
40. POWER-OF-ATTORNEY— [as defined by section 2 (*21*)] not being a Proxy—	
(*a*) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents ;	Twelve annas.
(*b*) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882 ; XV of 1882.	Do.
(*c*) when authorizing one person or more to act in a single transaction other than the case mentioned in clause (*a*)	One rupee eight annas.
(*d*) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally ;	Seven rupees eight annas.
(*e*) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally ;	Fifteen rupees.
(*f*) when given for consideration and authorizing the attorney to sell any immovable property ;	The same duty as a Conveyance (No. 19) for the amount of the consideration.

Description of instrument.	Proper stamp duty.
(*g*) in any other case ..	One rupee eight annas for each person authorized.
	N.B.—The term "Registration" includes every operation incidental to registration under the Indian Registration Act, 1908. XVI of 1908.
Explanation.—For the purposes of this article more persons than one when belonging to the same firm shall be deemed to be one person.	
41. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note.	Two rupees.
42. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.	Do.
See also Note of Protest by the Master of a ship (No. 37).	
43. RECONVEYANCE OF MORTGAGED PROPERTY—	
(*a*) if the consideration for which the property was mortgaged does not exceed Rs. 1,000 ;	The same duty as a Conveyance (No. 19) for the amount of such consideration as set forth in the reconveyance.
(*b*) in any other case ..	Fifteen rupees.
44. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 23-A), whereby	

Description of instrument.	Proper stamp duty.
a person renounces a claim upon another person or against any specified property—	
(*a*) if the amount or value of the claim does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 14) for such amount or value as set forth in the release.
(*b*) in any other case ..	Seven rupees eight annas.
45. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bottomry Bond (No. 14) for the amount of the loan secured.
REVOCATION OF ANY TRUST OR SETTLEMENT.—	
See Settlement (No. 47) ; Trust (No. 52).	
46. SECURITY BOND OR MORTGAGE-DEED, executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract—	
(*a*) when the amount secured does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 14) for the amount secured.
(*b*) in any other case ..	Seven rupees eight annas.
Exemptions.	
Bond or other instrument, when executed—	
(*a*) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act ;	
(*b*) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a	

Ben. Act III of 1876.

Description of instrument.	Proper stamp duty.
charitable dispensary or hospital, or any other object of public utility, shall not be less than a specified sum per mensem ;	
(*c*) under No. 3-A of the rules made by the Governor of Bombay in Council, under section 70 of the Bombay Irrigation Act, 1879 ;	Bom. Act VII of 1879.
(*d*) executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties, as security for the repayment of such advances ;	XIX of 1883. XII of 1884.
(*e*) executed by officers of Government or their sureties to secure the due execution of an office, or the due accounting for money or other property received by virtue thereof.	
47. SETTLEMENT—	
A.—Instrument of (including a deed of dower).	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property settled as set forth in such settlement. Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed twelve annas.
Exemptions.	
(*a*) Deed of dower executed on the occasion of a marriage between Muhammadans.	

Description of instrument.	Proper stamp duty.
(*b*) Hludassa, that is to say, any settlement of immovable property executed by a Buddhist in Burma for a religious purpose in which no value has been specified and on which a duty of Rs. 10 has been paid.	
B.—Revocation of— ..	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding fifteen rupees.
See also Trust (No. 52).	
48. SHARE WARRANTS to bearer issued under the Indian Companies Act, 1913. VII of 1913.	One-and-a-half times the duty payable on a Conveyance (No. 19) for a consideration equal to the nominal amount of the shares specified in the warrant.
Exemptions.	
Share warrant when issued by a company in pursuance of the Indian Companies Act, 1913, section 43, to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue of— III of 1913.	
(*a*) one-and-a-half per centum of the whole subscribed capital of the company ; or	
(*b*) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital one-and-a-half per centum of the additional capital so issued.	
49. SURRENDER OF LEASE—	
(*a*) when the duty with which the lease is chargeable does not exceed seven rupees eight annas ;	The duty with which such lease is chargeable.
(*b*) in any other case	Seven rupees eight annas

Description of instrument.	Proper stamp duty.
Exemption.	
Surrender of lease, when such lease is exempted from duty.	
50. TRANSFER (whether with or without consideration)—	
(*a*) of shares in an incorporated company or other body corporate ;	One-half of the duty payable on a Conveyance (No. 19) for a consideration equal to the value of the share.
(*b*) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8 ;	One-half of the duty payable on a Conveyance (No. 19) for a consideration equal to the face amount of the debenture.
(*c*) of any interest secured by a bond, mortgage-deed or policy of insurance,—	
(i) if the duty on such bond, mortgage-deed or policy does not exceed [1] [seven rupees eight annas] ;	The duty with which such bond, mortgage-deed or policy of insurance is chargeable.
(ii) in any other case ..	Seven rupees eight annas.
(*d*) of any property under the Administrator-General's Act, 1913, section 25 ;	Fifteen rupees. III of 1930.
(*e*) of any trust-property from one trustee to another trustee, or from a trustee to a beneficiary.	Seven rupees eight annas or such smaller amount as may be chargeable under clauses (*a*) to (*c*) of this article.
Exemptions.	
Transfers by endorsement—	
(*a*) of a bill of exchange, cheque or promissory note ;	

[1] These words were substituted for the words "five rupees" by section 3 (*c*) of the Madras Stamp (Further Amendment) Act, 1923 (Madras Act VI of 1923).

Description of instrument.	Proper stamp duty.
(*b*) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods ;	
(*c*) of a policy of insurance ;	
(*d*) of securities of the Government of India.	
See also section 8.	
51. TRANSFER OF LEASE by way of assignment, and not by way of under-lease.	The same duty as a Conveyance (No. 19) for a consideration equal to the amount of the consideration for the transfer.
Exemption.	
The transfer of any lease exempt from duty.	
52. TRUST—	
A.—DECLARATION OF—of, or concerning, any property when made by any writing not being a Will.	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding twenty-two rupees eight annas.
B.—REVOCATION OF—of, or concerning, any property when made by any instrument other than a Will.	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding fifteen rupees.
See also Settlement (No. 47).	
VALUATION.—*See* Appraisement (No. 7).	
VAKIL.—*See* Entry as a Vakil (No. 25).	
53. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.	Six annas.

MADRAS ACT No. VII OF 1922.[1]

[An Act to amend the Madras City Municipal Act, 1919.]

[*16th May, 1922.*]

Whereas it is expedient further to amend the Madras City Municipal Act, 1919; It is hereby enacted as follows :— Madras Act IV of 1919.

Short title.

1. (1) This Act may be called the Madras City Municipal (Amendment) Act, 1922.

(2) Section 4 shall be deemed to have been in force from the 1st October 1919.

(3) In this Act the expression "Principal Act" means the Madras City Municipal Act, 1919.

Amendment of rule 7 of Part II of Schedule IV.

2. Without prejudice to the proviso to rule 7 of Part II of Schedule IV of the Principal Act the following shall be substituted for the scale of assessment given in the said rules : —

[*Vide p.* 941.]

Amendment of table in rule 10 (*a*) of Part III of Schedule IV.

3. For the table given in rule 10 (*a*) of Part III of Schedule IV of the Principal Act, the following table shall be substituted : —

[*Vide p.* 944.]

Amendment of rule 5 (*b*) in Part I of Schedule V.

4. (1) At the end of rule 5 (*b*) in Part I of Schedule V of the Principal Act, the following words shall be added :—

[*Vide p.* 951.]

(2) At the end of rule 10 in Part I of Schedule V of the Principal Act, the following words shall be added :—

[*Vide p.* 952.]

MADRAS ACT No. I OF 1923.[2]

The Malabar (Completion of Trials) Act, 1922.

[*23rd January, 1923.*]

Preamble.

WHEREAS it is necessary to provide for the speedy trial of certain classes of offenders who took part in the Mappilla rebellion in Malabar during 1921-22 and for the due execution

[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, dated 7th February 1922, page 4.

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette*, dated 14th November 1922, p. 114.

of sentences and other orders passed by Special Courts under the Malabar (Completion of Trials) Ordinance, 1922, after they have ceased to exist,

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act, It is hereby enacted as follows :—

Short title.

1. This Act may be called the Malabar (Completion of Trials) Act, 1922.

V of 1898.

Application of section 30 of the Code of Criminal Procedure.

2. Section 30 of the Code of Criminal Procedure, 1898, shall be construed as if it empowered the Local Government to invest the District Magistrate of Malabar, or any magistrate of the first class in the district of Malabar, with the power specified in that section, and any magistrate empowered accordingly shall for the purposes of the said Code be deemed to be a magistrate specially empowered under section 30 thereof.

Restrictions as to offences that may be tried.

3. No magistrate empowered under the provisions of section 2 shall try any offence other than an offence committed prior to the 24th day of February 1922 and certified by the district magistrate in writing to be an offence connected with the events which necessitated the enforcement of or continuance of martial law in the district of Malabar.

Giving effect to sentences passed by special courts.

4. When any court exercising jurisdiction under the Malabar (Completion of Trials) Ordinance, 1922, ceases to exist, any action which is necessary for the purpose of giving effect to the sentences passed or other orders made by such court or any court in appeal from the judgment or order of such court may be taken—

(*a*) where such court is the court of a special judge, by the Court of Sessions, South Malabar, and

(*b*) in any other case, by the district magistrate having jurisdiction in the place which was the place of sittings of such court.

Appeals.

5. On the expiration of the Malabar (Completion of Trials) Ordinance, 1922, and notwithstanding such expiration, an appeal shall lie in any case in which an appeal would have lain but for such expiration and every such appeal and every appeal pending at the date of such expiration shall be heard and decided by the High Court in cases in which under the said Ordinance an appeal would have lain to the High Court and in other cases to the Sessions Judge or an Additional Sessions Judge, South Malabar.

MADRAS ACT No. II OF 1923.[1]

[An Act to provide for the better management of the charitable and religious endowments under the control of the Prince of Arcot in the Presidency of Madras.]

[*30th January, 1923.*]

Preamble. WHEREAS it is expedient to provide for the better management of the charitable and religious endowments under the control of the Prince of Arcot within the Presidency of Madras, and whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80-A of the Government of India Act to the making of the law, it is hereby enacted as follows :—

Short title. **1.** This Act may be called "The Prince of Arcot Endowments Act, 1922."

Endowments and institutions—where specified. **2.** This Act applies to the charitable and religious endowments specified in Schedule A and to the religious institutions and monuments specified in Schedule B annexed to this Act.

Administration of charitable and religious endowments. **3.** The charitable and religious endowments specified in Schedule A shall be administered by the Prince of Arcot for the time being so far as the endowments and institutions in the district of Trichinopoly are concerned in accordance with the rules contained in Schedule C hereto or any modification thereof under section 4 of the Act and as regards all other endowments and institutions in accordance with such rules as may from time to time be made by the Local Government.

Amendment of rules in Schedule C. **4.** The rules in Schedule C except rules (1), (2), (3) and (11) may be added to or altered by the Local Government after consultation with the Prince and the committee, if any, appointed under the rules.

Publication of draft rules. **4-A.** At least sixty days before making any rules in modification of the rules in Schedule C or for the administration of the endowments specified in Schedule B, the Local Government shall publish a draft of the proposed rules in the *Fort St. George Gazette*, and any person may, during the said period, make any objection or suggestion to the Local Government who shall take the same into consideration before finally making the rules. The rules may be made by the Local Government either as originally drawn or as amended and shall come into operation forthwith or at such time as may be prescribed in the rules.

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, Part IV, dated 5th July 1921, page 1487.

5. No suit claiming any of the reliefs specified in the Religious Endowments Act XX of 1863, or in sub-section (1) of section 92 of the Code of Civil Procedure, 1908, shall be instituted or maintained or continued in respect of the aforesaid charitable and religious trusts. **Suits.**

V of 1863.
V of 1908.

SCHEDULE A.

LIST OF PROPERTIES CONSTITUTING THE CHARITABLE AND RELIGIOUS ENDOWMENTS UNDER THE CONTROL OF THE PRINCE OF ARCOT.

ENDOWMENTS IN THE TRICHINOPOLY DISTRICT.

(i) ENTIRE VILLAGES.

1. Paganur in Trichinopoly taluk.
2. Periyanayaki Chatram, otherwise known as Chattarapatti in Trichinopoly taluk.
3. Sembangulam, a hamlet of Kuttappar village in Trichinopoly taluk.
4. Komagudi in Lalgudi taluk.
5. Sittanattam in Kulittalai taluk.
6. Manamedu in Musiri taluk.

(ii) LANDS IN GOVERNMENT VILLAGES.

1. Lands in the village of Devadanam, otherwise known as Kairabad, in the Trichinopoly taluk, comprising the following Revenue Survey numbers :—

Inside the Municipality.

Survey number.	Subdivision.	Wet or dry.	Single or double crop.	Extent.
				ACS.
53	1-A	W.	2	7·90
	C	W.	2	1·16
59	1	W.	2	1·31
60	A	W.	2	1·68
62	A	W.	2	1·52
70	A	W.	2	0·78
	C	W.	2	0·71
76	..	W.	2	1·40
79	A	W.	2	2·08
82	..	W.	2	0·70
85	..	W.	2	0·71
88	A	W.	2	2·76
	C	W.	2	15·42
93	1-A	W.	2	8·99
	1-C	W.	1	3·34
93	1-D	W.	2	0·73
	F	W.	2	2·33
126	A	W.	2	1·25
			Total ..	54·77
104	..	D.	..	1·15
131	..	D.	..	0·28
			Total ..	1·43
			Grand total ..	56·20

Outside the Municipality.

Survey number.	Subdivision.	Wet or dry.	Single or double crop.	Extent.
				ACS.
7	2	W.	2	0·73
39	1	W.	2	11·63
	4	W.	2	1·60
	5	W.	2	8·84
43	1	W.	2	7·47
46	..	W.	2	21·86
48	..	W.	2	1·61
			Total ..	53·74
			Grand total ..	109·94

2. In Alundur village, Trichinopoly taluk—

Survey number.	Subdivision.	Wet or dry.	Single or double crop.	Extent.
				ACS.
343	5	W.	1	0·30
401	..	W.	1	7·75
			Total ..	8·05
165	..	D.	..	4·60
179	..	D.	..	2·15
292	..	D.	..	1·67
294	..	D.	..	12·90
301	..	D.	..	2·25
			Total ..	23·57
			Grand total ..	31·62

3. In Murungapettai, hamlet of Muttarasanallur village, Trichinopoly taluk—

Survey number.	Subdivision.	Wet or dry.	Single or double crop.	Extent.
				ACS.
159	1	G.W.	..	0·36
158	2	W.	..	1.25
			Total ..	1·61
210	2	D.	..	0·38
205	3	D.	..	0·45
158	1	D.	..	2·70
			Total ..	3·53
			Grand total ..	5·14

(iii) SHOPS, HOUSE-SITES, ETC., BELONGING TO THE MUHAMMUDY MOSQUE.

Block No. 1 *of Ward VI.*

1. Shops and buildings bearing T.S. Nos. 97 to 137 and Big Chowk T.S. No. 138 bounded on the—

North—by Maligai street (T.S. No. 65).
East—by Small Chowk lane (T.S. No. 96 and T.S. Nos. 143, 140 and 139).
South—by Kiladar street ; Chowk road (T.S. No. 953).
West—by Big Bazaar road (T.S. No. 51).

NOTE.—(i) The Muhammudy Mosque also is situated in T.S. No. 97 and is surrounded by the shops and houses described above.

(ii) The lane in T.S. No. 96 is the property of the endowment subject to the public right of way over it.

2. Small Chowk bearing T.S. Nos. 95 and 145 bounded on the—

North—by Maligai lane (T.S. No. 93 and house T.S. No. 94).
East—by Arabi tank lane (T.S. No. 146 and house T.S. No. 94).
South—by (T.S. No. 96) lane.
West—by (T.S. No. 96) lane.

NOTE.—Vide note (ii) to item 1 above.

3. Stone Mantapam bearing T.S. No. 63 and bounded on the—

North—by T.S. Nos. 60, 61 and 62.
East—by T.S. No. 48.
South—by T.S. Nos. 65 (Maligai street) and 64.
West—by Big Bazaar road (T.S. No. 51) and T.S. Nos. 62 and 64.

4. Nagarkana Mantapam bearing T.S. No. 139 bounded on the—

North—by T.S. No. 140.
East—by T.S. No. 140.
South—by Kiladar street (T.S. No. 953).
West—by Big Chowk (T.S. No. 138).

Block No. 2 *of Ward VI.*

5. Endowment office building with house and garden bearing T.S. No. 206 bounded on the—

North—by T.S. Nos. 220 and 221.
East—by T.S. Nos. 220 and 207 (lane).
South—by Kiladar street (T.S. No. 201).
West—by T.S. Nos. 205 (lane) and 188.

Block No. 8 *of Ward VI.*

6. Tiled shops, etc., bearing T.S. Nos. 952, 954, 955 and 956 bounded on the—

North—by Kiladar street (T.S. No. 953).
East—by T.S. Nos. 950, 951 and 967.
South—by T.S. Nos. 950 and 957.
West—by Big Bazaar road (T.S. No. 1009/2).

7. A tank and its pathway bearing T.S. No. 948 bounded on the—

North—by T.S. Nos. 949, 953 (Kiladar street), 944 and 947.
East—by T.S. Nos. 947, 944 and 942.
South—by T.S. Nos. 941, 969 and 970.
West—by T.S. Nos. 949, 950 and 969.

Block No. 27 *of Ward IV.*

8. T.S. No. 2554—a vacant site bounded on the—

North—by T.S. Nos. 2518 to 2527, 2553 and 2265/1 (Chinna Bazaar street of Ward V).
East—by T.S. Nos. 2529 (Jeevanthinathapuram street), 2552 (lane and tank), 2553, 2518, 2506 (lane), 2505, 2460 (Venugopalapuram street) and 2459 (Taluk Cutcherry compound).
South—by T.S. Nos. 2459 and 2566.
West—by T.S. Nos. 2562 and 2555.

Block No. 17 *of Ward VII.*

9. Shop—bearing T.S. Nos. 1949 to 1951 bounded on the—

North—by T.S. No. 3270 (Tanjore road of Ward VI).
East—by T.S. No. 1948.
South—by T.S. No. 1955 (lane).
West—by T.S. No. 1952.

Block Nos. 14 *and* 15 *of Ward VII.*

10. Garden site—bearing T.S. No. 1525 part, and house-sites, bearing T.S. Nos. 1540 to 1553, 1567 to 1575, 1598 part, 1599, 1602 to 1604, 1695 to 1704, 1708 to 1716, 1718, 1722, 1723 part, 1724, 1726, 1729, 1730, 1734, 1738, 1739 part, 1741 and 1742 bounded on the—

North—by T.S. Nos. 1748, 1740, 1739 part, 1737, 1736, 1735, 1731 to 1733, 1728, 1727, 1725, 1723 part, 1721, 1719, 1694 part (street), 1605, 1601, 1600, 1598 part.
East—by T.S. Nos. 1597, 1584 part (Municipal street), 1576, 1577, 1566, 1560 (Municipal street), 1554 and 1525 part.
South—by T.S. No. 1525 part (Pettai).
West—by T.S. Nos. 1539, 1560 part (Municipal street, Anandapuram new street), 1705, 1706, 1707, 1717 part (Anandapuram new street), 1796 (Mussalman street).

NOTE.—Streets bearing T.S. Nos. 1560 (part), 1584 (part), 1694 (part) and 1717 (part) have been excluded.

Block No. 15 *of Ward VII.*

11. Site—bearing T.S. No. 1797 bounded on the—

North—by T.S. No. 1798.
East—by T.S. No. 1796 (Mussalman street).
South—by T.S. No. 1817 (Eda street).
West—by T.S. No. 1817 (Eda street).

(iv) SHOPS AND HOUSE-SITES BELONGING TO THE BEGAM SAHIBA MOSQUE.

Block No. 10 *of Ward IV.*

1. Shops bearing T.S. Nos. 389 to 412 and 414 to 418 and house-sites bearing T.S. Nos. 435, 437 to 444 bounded on the—

North—by T.S. Nos. 436, 434, 433, 428, 427 and 419.
East—by T.S. Nos. 3080 (Big Bazaar street of Ward VI), 428 and 432.
South—by T.S. Nos. 386 and 388 (Stone-cutters' street).
West—by T.S. Nos. 388 (lane), 445 (lane), 436 and 434.

NOTE.—The mosque is in T.S. No. 413 and is surrounded by the shops described above.

Block No. 11 *of Ward IV.*

2. Site—bearing T.S. Nos. 566, 567 and 568, 2, 3, 4 and 5 bounded on the—

North—by T.S. No. 560 (Guruvian tank).
East—by T.S. Nos. 561, 564 and 565.
South—by T.S. Nos. 508 and 568/1.
West—by T.S. No. 568/1.

Block No. 20 *of Ward VI.*

3. Shops—bearing T.S. Nos. 3084 and 3085 and sites bearing T.S. Nos. 3086 to 3091, 3092 part, 3093 and 3094 bounded on the—

North—by T.S. Nos. 3083, 3092 and 3095.
East—by T.S. Nos. 3092, 3096 (lane).
South—by T.S. No. 3266 (Anaikattimettu street).
West—by T.S. No. 3080 (Big Bazaar street).

(v) SHOPS, ETC., BELONGING TO THE HASAN BAG MOSQUE.

Block No. 28 *of Ward IV.*

Shops—bearing T.S. Nos. 2555 to 2561 and garden and mosque bearing T.S. No. 2562 bounded on the—

North—by T.S. No. 2265 (Chinna Bazaar road of Ward V) and T.S. No. 2563.
East—by T.S. No. 2554.
South—by T.S. Nos. 2566 and 2564.
West—by T.S. Nos. 2564 and 2563.

(vi) SITE, ETC., BELONGING TO THE EADGAH MOSQUE.

Block No. 47 *of Ward I.*

Tomb and Mosque site—bearing T.S. Nos. 372 and 373 bounded on the—

North—by T.S. No. 376.
East—by T.S. No. 374 (William's Road).
South—by T.S. No. 371.
West—by T.S. No. 377 (lane).

ALLOWANCE ATTACHED TO THE TOMB OF WALLAJAH.

A monthly tomb allowance of Rs. 69 paid from the Huzur Treasury at Trichinopoly.

ENDOWMENTS IN MADRAS.

1. Bazaars and land belonging to Wallajahi Mosque in the Triplicane High Road; survey number—R.S. Nos. 168/1 to 175/3 of Triplicane except Nos. 168/2, 170/2, 172/2 and 175/2. Certificate No. 1893, dated 2nd September 1873.

2. Mamur Mosque Endowment in the Ibra-him-ji Sahib street; survey number—R.S. No. 3614 of Georgetown. Certificate No. 1981, dated 24th April 1874.

3. A monthly tomb allowance of Rs. 414-9-4 paid by the Accountant-General, Madras, for the tombs of the Nawabs of Carnatic, Triplicane.

4. A monthly allowance of Rs. 29-8-0 paid by the Accountant-General, Madras, for the tomb of Mastan Sahib, Georgetown.

5. A monthly allowance of Rs. 69 paid by the Tahsildar, Madras, for Mamur Mosque, Georgetown.

ENDOWMENTS IN NORTH ARCOT.

1. Masjida Jamay situated in survey No. 822 of Arcot village. A lump sum of Rs. 1,076-3-0 per annum from the beriz of Chakramallur village, Wallajah taluk.

2. Two jaghirs, viz., Asanallikuppam and Sayanavaram in Arkonam taluk, which are endowments belonging to Masjida Wallajahi, commonly called High Mosque, and Masjida Anwarree commonly called Small Mosque, situated in Triplicane, Madras.

SCHEDULE B.

LIST OF CHARITABLE AND RELIGIOUS INSTITUTIONS MAINTAINED OUT OF THE ENDOWMENTS IN SCHEDULE A.

TRICHINOPOLY.

MOSQUES.

1. The Muhammudy Mosque at Chowk, Trichinopoly Fort (T.S. No. 97 in block No. 1 of Ward VI).

2. The Begam Sahiba Mosque near Big Market, Trichinopoly Fort (T.S. No. 413 in block No. 10 of Ward IV).

3. The Amir Mosque near Beerangi tank, Trichinopoly Fort (T.S. No. 1677 part in block No. 12 of Ward VI).

4. The Hasan Bag Mosque near Teppakulam, Trichinopoly Fort (T.S. No. 2562 in block No. 28 of Ward IV).

5. The Eadgah Mosque in Cantonment, Trichinopoly (T.S. No. 373 in block No. 47 of Ward I).

CHOULTRY.

6. The Begam Sahiba Choultry at Murungapettai village, Trichinopoly taluk.

TOMBS.

7. The Tomb of Nawab Wallajah and his family with the building attached thereto. Trichinopoly Fort (T.S. No. 1518 part, block No. 17 of Ward IV).

MADRAS

MOSQUES.

8. Wallajahi Mosque, Triplicane.
9. Anwari Mosque and Asari-Sharif, Triplicane.
10. Mamur Mosque, Georgetown.

TOMBS.

11. Tombs of the Nawabs of Carnatic and their families within the limits of Wallajah Mosque.
12. Mastan Sahib's Tomb, Georgetown.
13. Tomb of Hazrat Murtaza Badshah within the limits of Anwari Mosque.
14. Ashraf Ali Khan's Tomb.
15. Yasin Begam's Tomb.
16. Dulhari Begam Tomb.
17. Anakulam Tank burial-ground.
18. Prince Azim-Jah Bahadur's Tomb.

NORTH ARCOT

MOSQUE.

19. Masjida Jamay, Arcot.

TOMB.

20. Tomb of Nawab Syedulla Khan within Masjida Jamay, Arcot.

TANJORE.

MOSQUE.

21. Wallajah Mosque at Nagore with langarkhana attached.

SCHEDULE C.

SCHEME OF ADMINISTRATION OF THE CHARITABLE AND RELIGIOUS ENDOWMENTS UNDER THE CONTROL OF THE PRINCE OF ARCOT IN TRICHINOPOLY.

1. The Prince of Arcot shall spend the entire income derived from the endowments in the Trichinopoly district specified in Schedule A only for the charitable and religious institutions in the Trichinopoly district specified in Schedule B and for other charitable and religious institutions outside the Trichinopoly district specified in Schedule B and shall not be entitled to appropriate any part of such income for his private purposes.

2. The said income shall be divided between the charitable and religious institutions specified in Schedule B in Trichinopoly and the other charitable and religious institutions in the proportion of ¾ to ¼ (three-fourths to one-fourth).

3. The Prince of Arcot for the time being shall appoint an Agent to manage the charities but such appointment shall be subject to the approval of Government.

4. The Agent shall be a Muhammadan. The Agent's office shall be in Trichinopoly and the Agent shall ordinarily reside in Trichinopoly.

5. The Agent shall be subject to the control of the Prince of Arcot, but any complaint against the Agent regarding the administration of the charities shall be inquired into by the Collector of Trichinopoly whose orders shall be subject to appeal to Government. The decision of Government on any such complaint shall be final and shall be obeyed by the Agent.

6. The Collector shall appoint an advisory committee of five leading Muhammadan residents in Trichinopoly for the purpose of assisting and advising him in the matter of the endowments. Each member shall ordinarily hold office for three years.

7. The powers of the committee shall be confined to the inspection of the religious and charitable institutions in Trichinopoly including the endowment office and to advising the Collector and all action on such advice shall be taken by the Collector.

8. The Agent shall prepare a budget of income and expenditure for each year in consultation with the committee and in accordance with the proportions mentioned in rule 2 above and shall publish the same at least one month before the commencement of the year. If the Agent and committee disagree in connexion with any point concerning the Trichinopoly portion of the budget, the matter shall be referred to the Collector for orders.

9. The Agent shall keep accounts of income and expenditure of the endowments in such manner as may be prescribed by the Collector. The accounts shall be audited once a year by a person to be appointed by the Collector, the cost of the audit being paid from the income of the endowments.

10. The Collector may for good and sufficient cause require the Prince of Arcot to remove the Agent. If the Prince neglects or refuses to comply with any such requisition, the Government may, after hearing the Prince, remove the Agent and require the Prince to appoint a new Agent.

11. The appointment and dismissal of the Agent's staff in Trichinopoly shall rest as heretofore with the Prince of Arcot.

12. Leases of immovable properties forming part of the endowments shall be made by the Agent in consultation with the committee by public auction and in accordance with rules and orders made by the Collector in consultation with the committee and the Agent.

MADRAS ACT No. III OF 1923.[1]

[An Act further to amend the Madras City Municipal Act, 1919.]

Mad. Act IV of 1919.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919; It is hereby enacted as follows :— Preamble.

1. This Act may be called the Madras City Municipal (Further Amendment) Act, 1922. Short title.

2. For section 12 of the Madras City Municipal Act, 1919 (hereinafter referred to as the said Act), the following shall be substituted :— Amendment of section 12.

[*Vide p.* 821.]

3. In section 51 of the said Act, the following amendments shall be made :— Amendment of section 51.

(i) In sub-section (*a*) the letter and brackets '(*a*)' at the beginning and the semicolon and the word 'and' at the end shall be omitted.

(ii) The whole of sub-section (*b*) shall be omitted.

4. For sub-section (2) of section 85 of the said Act, the following shall be substituted :— Amendment of section 85 (2).

[*Vide p.* 842.]

MADRAS ACT No. IV OF 1923.[2]

[An Act to amend the Madras Port Trust Act, 1905.]

[13*th February*, 1923.]

Mad. Act II of 1905.

WHEREAS it is expedient further to amend the Madras Port Trust Act, 1905, and whereas the previous sanction of the Governor-General has been obtained under section 80-A (3) of the Government of India Act to the passing of this Act; It is hereby enacted as follows :— Preamble.

1. This Act may be called the Madras Port Trust (Amendment) Act, 1922. Short title.

2. In this Act, 'Principal Act' means the Madras Port Trust Act, 1905.

3. Sections 2, 3 and 4 of the principal Act shall be omitted.

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, dated 12th December 1922, page 156.

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette*, dated 5th September 1922, page 95.

Addition of two clauses to section 5.

4. In section 5 of the principal Act after clause (9) the following clauses shall be added, the existing clauses (10) to (12) being renumbered as (12) to (14) :—

[*Vide p.* 598.]

Amendment of sections 7 to 17.

5. For sections 7 to 17 of the principal Act the following shall be substituted :—

[*Vide pp.* 599–601.]

Amendment of section 18.

6. In section 18 of the principal Act, (1) the words and figures 'section 12 or' shall be omitted, (2) for the word and figure 'section 15' the words and figures 'section 8 or section 13' shall be substituted and (3) the words 'by notification in the *Fort St. George Gazette*' shall be omitted.

Amendment of section 21.

7. For section 21 of the principal Act the following shall be substituted :—

[*Vide p.* 602.]

Substitution of new section for section 22.

8. For section 22 of the principal Act, the following shall be substituted :—

[*Vide p.* 602.]

Amendment of section 23.

9. Sub-section (1) of section 23 of the principal Act shall be omitted and the remaining sub-sections shall be renumbered.

Insertion of a new section after section 23.

10. After section 23 of the principal Act, the following shall be added :—

[*Vide p.* 604.]

Amendment of section 27.

11. In section 27 of the principal Act after the words 'schedule of the staff of officers,' the words 'other than the Chairman' shall be inserted.

Amendment of section 28.

12. In section 28 of the principal Act,

(1) in the opening sentence, for the word 'shall' the word 'may' shall be substituted ;

(2) in sub-section (5) for the words 'shall be' the words 'may become' shall be substituted ; and

(3) in sub-section (7), for the words 'killed in the execution of their duty,' the words 'who died while in the service of the Board' shall be substituted.

Insertion of a new section after section 28.

13. After section 28 of the principal Act, the following shall be inserted :—

[*Vide p.* 606.]

Amendment of section 30.

14. In section 30 of the principal Act for the words 'or Chief Accountant of the Board' the words 'Chief Accountant of the Board or to the Deputy Conservator of the Port' shall be substituted.

15. For sub-section (2) of section 36 of the principal Act, the following shall be substituted :— Amendment of section 36.

[*Vide p.* 607.]

16. For sections 39–41 of the principal Act the following shall be substituted :— Substitution of new sections for sections 39–41.

[*Vide pp.* 609–611.]

17. For section 42 of the principal Act, the following shall be substituted :— Amendment of section 42.

[*Vide p.* 611.]

18. For section 43 of the principal Act, the following shall be substituted :— Amendment of section 43.

[*Vide pp.* 611–612.]

19. In section 44-A of the principal Act— Amendment of section 44-A.

(1) the words 'in respect of animals or goods landed at the harbour if for import or admitted into the harbour premises if for export' shall be omitted, and

(2) for the words 'Port Trust,' the word 'Board' shall be substituted.

20. In section 48 of the principal Act for the word 'offender,' the word 'person' shall be substituted. Amendment of section 48.

21. In section 51 of the principal Act after the words 'in respect of any goods,' the following shall be inserted :— Amendment of section 51.

[*Vide p.* 614.]

22. In section 52 of the principal Act for the words 'the lien for such rates,' the words 'such lien' shall be substituted. Amendment of section 52.

23. For section 56 of the principal Act, the following shall be substituted :— Amendment of section 56.

[*Vide p.* 615.]

24. For the word 'Loans' occurring as the heading of Chapter VII of the principal Act, the words 'The borrowing powers of the Board' shall be substituted. Amendment of the heading of Chapter VII.

25. For sections 63 and 64 of the principal Act, the following shall be substituted. Substitution of new sections for sections 63 and 64.

[*Vide pp.* 616–618.]

26. For section 73 of the principal Act, the following shall be substituted :— Substitution of a new section for section 73.

[*Vide p.* 620.]

Substitution of a new section for section 88.

27. For section 88 of the principal Act, the following shall be substituted :—

[*Vide p.* 624.]

Amendment of section 92.

28. In section 92 of the principal Act, for the words 'such special rules and regulations as it shall think fit' the words 'special rules and regulations' and for the words 'shall enforce' the words 'may enforce' shall be substituted.

Amendment of section 94.

29. In section 94 of the principal Act,

(*a*) In the opening sentence, for the word 'shall' the word 'may' shall be substituted, and

(*b*) In sub-section (4) for the words 'who have been killed in the execution of their duty', the words 'who may die in the service of the Board' shall be substituted.

Amendment of section 98.

30. In section 98 of the principal Act, (1) after the word 'services' the words 'or to provide for services to be rendered' shall be inserted; and (2) the words 'to be printed in the English, Telugu, Tamil and Hindustani languages, and' shall be omitted.

Omission of Schedule III.

31. Schedule III of the principal Act shall be omitted.

Amendment of section 38.

32. (1) In section 38 of the principal Act for the words and figures 'the Local Authorities Loans Act, 1879' the words and figures 'the Local Authorities Loans Act, 1914' shall be substituted.

Amendment of section 44.

(2) In section 44 of the principal Act,

(*a*) In sub-section (1), for the words and figures 'or section 43' the words and figures 'section 43 or section 43-A' shall be substituted.

(*b*) In sub-section (3), for the word and figures 'or 43' the words and figures 'section 43 or section 43-A' shall be substituted.

Amendment of section 46.

(3) In section 46 of the principal Act, for the words and figures 'or section 43' the words and figures 'section 43 or section 43-A' shall be substituted.

Amendment of sections 49, 91, 95 and 111.

(4) In section 49, 91, 95 and 111 of the principal Act, for the words and figures 'the Indian Ports Act, 1889' the words and figures 'the Indian Ports Act, 1908' shall be substituted.

Amendment of section 100.

(5) In section 100 of the principal Act, for the words and figures 'the proviso to sub-section (1) of section 7' the words and figures 'Clause (*e*) of sub-section (1) of section 10' shall be substituted.

Term of office of present Trustees.

33. On the coming into force of this Act, the term of office of the Trustees then holding office other than the Chairman shall expire on such date or dates as the Local Government

shall determine ; and the Local Government shall make the appointments and cause arrangements for elections to be made under section 8 so that the newly appointed and elected Trustees may come into office on the date or dates fixed for the retirement of the former Trustees.

MADRAS ACT No. V OF 1923 [1].

[An Act to regulate State Aid to Industries.]

[*3rd March*, 1923.]

WHEREAS it is expedient to give power to the Local Government to assist in the establishment and development of industries in the Presidency of Madras ; and whereas the previous sanction of the Governor-General has been obtained under section 80-A of the Government of India Act to the passing of this Act ; It is hereby enacted as follows :— Preamble.

1. (1) This Act may be called the Madras State Aid to Industries Act, 1922. Short title.

(2) It extends to the whole of the Presidency of Madras.

2. The Local Government may appoint any officer or other person to perform all or any of the functions of the Director of Industries under this Act. Director of Industries.

3. (1) (*a*) There shall be constituted a Board of Industries consisting of not less than ten and not more than twelve members including the Chairman and the ex-officio members. Not more than three of the members shall be Government officials. Board of Industries.

(*b*) One of the members shall be elected by the members for the time being of the Madras Chamber of Commerce ; one by the members for the time being of the Southern India Chamber of Commerce ; one by the members for the time being of the Madras Trades Association ; and two by the members of the Madras Legislative Council. The election shall be conducted in such manner as may be prescribed. A return of the name of every person so elected shall be made to the Local Government by the Chairman of the Chamber or Association concerned and by the Secretary to the Legislative Council, respectively, and such return shall be published in the *Fort St. George Gazette*.

(*c*) The Director of Industries, Madras, and the Secretary to the Government of Madras in the Finance Department shall be ex-officio members of the Board of Industries.

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, dated 29th August 1922, page 90.

(2) The Chairman and the remaining members shall be appointed by the Local Government by notification in the *Fort St. George Gazette*, provided that if banking or mufassal interests and cottage industries are not represented by election, members so appointed shall include, as far as possible, persons who represent such interests or industries.

(3) The Board of Industries shall assist the Local Government in dealing with applications for the grant of State aid under this Act.

(4) No member shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Board of Industries if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner or in which he is interested professionally on behalf of a client or as agent for any person other than the Government, a local authority or a Railway Company.

No aid except in accordance with the provisions of the Act.

4. No aid shall be given by the Local Government to any industrial business or enterprise except in accordance with the provisions of this Act.

Industries to be aided.

5. (1) The industries to which aid may be given under this Act shall be such as have an important bearing on the economic development of the country and shall be :

(*a*) new or nascent industries, or

(*b*) industries to be newly introduced into areas where such industries are undeveloped, or

(*c*) cottage industries.

(2) No such aid shall be given to any joint-stock company unless :

(*a*) the same is registered in India on a rupee capital, and

(*b*) the company conforms to such rules as may be made by the Local Government from time to time requiring that a minimum number or a proportion of the members of its board of management shall be Indians :

Provided further that every recipient of aid under this Act shall make such provision for the training of apprentices as the Local Government may, from time to time, prescribe.

(3) The decision of the Local Government as to whether the conditions of this section are fulfilled shall be final.

Method of giving State Aid.

6. Subject to the provisions of this Act and of the rules framed thereunder, the Local Government shall have power to give aid to an industrial business or enterprise in one or more of the following ways :—

(*a*) by granting a loan ;

(*b*) by guaranteeing a cash credit, overdraft or fixed advance with a bank

(*c*) by paying a subsidy for the conduct of research or for the purchase of machinery ;

(*d*) by subscribing for shares or debentures ;

(*e*) by guaranteeing a minimum return on part of the capital of a joint-stock company ;

(*f*) by making a grant on favourable terms of land, raw material, firewood or water, the property of the Local Government.

[1][(*g*) by supplying at concessional rates electric energy from a source belonging to the Local Government.]

Delegation of the power given by section 6.

7. The Local Government may delegate the power to grant State aid under section 6, provided that no authority to whom such power is delegated shall be empowered to grant aid to any one industrial business or enterprise of an amount or of value exceeding Rs. 10,000.

Application for State aid and procedure in dealing with applications.

8. (1) Any person desiring to obtain a loan or other aid for any industrial business or enterprise shall make his application to the Director of Industries in such form and shall furnish such information concerning his business as may be prescribed.

(2) If the extent of the aid applied for exceeds Rs. 50,000 and in any other case in which he considers this procedure necessary, the Director of Industries shall publish a notice in the prescribed manner calling upon any person who objects to the grant of the aid applied for to state his objections at a time or place to be specified, and shall hear such objection and make such inquiry as may be necessary.

(3) Every application for aid shall be placed before the Board of Industries for advice.

(4) The Local Government may constitute district committees for the purpose of advising on applications for aid.

(5) No aid shall be granted under this Act if the Board by a unanimous resolution at a meeting advises the rejection of the application.

Grant of loans.

9. No loan shall be granted of an amount exceeding 50 per cent of the net value of the assets of the industrial business or enterprise after deducting existing encumbrances, such value to be ascertained by such person as may be appointed by the Local Government and in accordance with such rules as may be prescribed ; for the purpose of this valuation the additional assets which may be created by the expenditure of the sums

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[1] Clause (*g*) was added by section 2 of the Madras State Aid to Industries (Amendment) Act, 1935 (Madras Act X of 1935).

granted may be taken into account to such extent as may be prescribed. [1][Provided, however, that a loan of an amount not exceeding Rs. 40,000 may be granted even if it exceeds 50 per cent of the value of the assets as above ascertained.]

Loans how secured.

10. Every loan granted under this Act shall be secured by a mortgage or floating charge upon the whole of the assets of the business or enterprise, subject to any encumbrances existing at the time of the grant, and by such collateral security, if any, as may be required by the Local Government, and shall bear interest payable on such dates and at such rates as the Local Government may determine.

Inspection and returns.

11. In any case in which a loan has been applied for under this Act, the applicant, and at any time during the currency of a loan that has been granted under it, the grantee, shall be bound—

(*a*) to comply with any general or special order of the Local Government relative to the inspection of the premises, buildings, or plant or stock in hand of the industrial business or enterprise ;

(*b*) to permit the inspection of all accounts relative to the industrial business or enterprise ;

(*c*) to furnish full returns of all products manufactured or sold both as regards description and quantity ;

(*d*) to maintain such special accounts or to furnish such statements as the Local Government may from time to time require ;

(*e*) to submit the accounts of the industrial business or enterprise to such audit as the Local Government may prescribe.

Control of business assisted.

12. In any case in which a loan or loans is or are granted under this Act amounting to two lakhs of rupees or upwards, the Local Government shall, and in any other case may, by the appointment of Government directors or otherwise, take power to ensure such control over the conduct of the business or enterprise as shall suffice in their opinion to safeguard their interests.

Repayment of loans.

13. (1) Every loan granted under this Act shall be made repayable by instalments within such period from the date of the actual advance of the loan, or when the loan is advanced in instalments from the date of payment of the last instalment, as may be fixed by the order granting the loan.

(2) The period fixed as aforesaid shall not exceed twenty years unless the Local Government shall, by general or by special order, extend the same.

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[1] This proviso was added by section 2 of the Madras State Aid to Industries (Amendment) Act, 1930 (Madras Act VI of 1930).

14. No guarantee of a cash credit, overdraft or fixed advance with a bank shall be given except under the conditions prescribed in sections 9 to 12 in respect of loans. Guaranteeing of loans by banks.

[1][**14-A.** Save as otherwise may be prescribed by rules made under this Act, nothing in sections 9, 10, 11 and 14 shall apply to any industrial business or enterprise with a capital outlay not exceeding one thousand rupees or to cottage industries.] Exmption of small and cottage industries.

15. The condition of subscription for shares and debentures by the Local Government or the guarantee of a minimum return on the capital of any industrial business or enterprise shall be that the business or enterprise shall be subject to the conditions of section 11 in respect of inspection and returns as well as of the provisions of section 12 in respect of Government control : Subscriptions for shares or debentures or guarantee of a minimum return on capital.

Provided (*a*) that for all shares subscribed by the Government there must be taken up and fully paid for not less than an equal number of shares ;

(*b*) that for all capital on which a return is guaranteed by Government there shall be paid up not less than an equal amount of capital which carries no guarantee.

16. The condition of a grant of subsidy or of any payment under guarantee of a minimum return on the paid-up capital or of the grant of Government land, raw material, firewood or water on favourable terms [or of the supply from a Government source of electric energy at concessional rates][2] shall ordinarily be that an amount equal to the sum paid or to the value of the grant [2][or concession] as fixed at the time when it is made shall be repaid to the Local Government at the close of a fixed term of years if within that term the industrial business or enterprise shall be shown to be paying interest or a dividend upon the capital invested in excess of such rate as the Local Government may fix. Subsidy by the Local Government.

No subsidy shall exceed 40 per cent of the cost of the research or of the cost of the machinery as the case may be.

17. No recipient of State aid shall pay any dividend or distribute or take any profits in excess of such percentage rate upon the amount of the capital of the industrial business or enterprise as the Government may fix from time to time until the conditions on which the State aid has been granted are fulfilled. The balance of the profits, after setting aside proper amounts for depreciation or obsolescence of plant and Disposal of profits where condition of State Aid is not fulfilled.

[1] Section 14-A was inserted by section 2 of the Madras State Aid to Industries (Amendment) Act, 1928 (Madras Act VIII of 1928).

[2] The words within square brackets were inserted by section 3 of the Madras State Aid to Industries (Amendment) Act, 1935 (Madras Act X of 1935).

buildings, and for the payment of interest on debentures of loans, shall be carried to a reserve fund to be utilized in such manner as the Government may approve.

Methods of recovery of money due.

18. (1) All moneys payable under this Act, including any interest chargeable thereon and costs, if any, incurred, if not paid when due, may be recovered from the person aided and his surety, if any, under the law for the time being in force as if they were arrears of land revenue.

(2) When any sum due as aforesaid is paid by the surety or is recovered from him or out of his property under sub-section (1), the Collector shall, on the application of the surety, so far as possible, recover the same from the person aided and pay the same to the surety.

Power to make rules.

19. (*a*) The Local Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(*b*) In particular and without prejudice to the generality of the foregoing power, they may make rules regulating all or any of the following matters :—

(1) the classes of industrial businesses or enterprises to which and the purposes for which aid may be given ;

(2) the constitution of the Board of Industries, the term of office of its members, the quorum at the Board's meetings, the method of arriving at its decisions, the appointment of its staff, the remuneration of its members and all other matters relative to the conduct of its business ; and the constitution and functions of district committees ;

(3) the delegation of the power to grant State aid under section 7 ;

(4) the manner of making applications for State aid and the information to be given in such applications, provided that no such rule shall require any applicant or grantee of aid to divulge any information relating to the technical details of any process or any patent owned by him ;

(5) the manner of conducting inquiries and the matters to be specially inquired into in dealing with applications for State aid and the powers to be exercised by the Director of Industries conducting such inquiries ;

(6) the mode of ascertaining the value of the assets of an industrial business or enterprise ;

(7) the nature of the security to be taken for the due application of loans and grants and the rates of interest at which and the conditions under which loans or grants may be given, and the creation of a mortgage, floating charge or collateral security under section 10 ;

(8) the inspection of the premises, buildings, plant and stock on hand and the accounts of any industrial business or enterprise for which State aid has been granted ;

(9) the mode of keeping and auditing the accounts and of furnishing returns of any industrial business or enterprise in respect of which State aid has been granted ;

(10) the appointment and functions of Government directors or the prescribing of other methods of control of industrial businesses or enterprises in respect of which State aid has been granted ;

(11) the application of profits in cases in which the conditions under which loans or grants have been made have not been fulfilled ;

(12) the guaranteeing by the Local Government of cash credits, overdrafts or fixed advances by banks and the recognition of banks for this purpose ;

(13) the fixing of the period for the repayment of loans and the conditions and dates of the repayment of subsidies and grants ; [. . .][1]

(14) the recovery of any moneys due under this Act ; [2][and]

[3][(15) the conditions under which and the security on which loans shall be granted or guarantees of a cash credit, overdraft or fixed advance with a bank given to the industries referred to in section 14-A :]

Provided that such rules are laid on the table of the Legislative Council and notified in the *Fort St. George Gazette* one month after which they shall have the force of law unless amended by the Legislative Council within that period, or, if the Council is not sitting during that period, at its next meeting.

Powers of the Government as regards starting or conducting industries and giving aid of certain kinds.

20. Nothing in this Act shall be held to debar the Government—

(*a*) from starting or conducting industrial enterprises for experimental purposes or with a view to stimulate industrial development ;

[1] The word " and " was omitted by section 4 of the Madras State Aid to Industries (Amendment) Act, 1928 (Madras Act VIII of 1928).

[2] The word " and " was inserted by section 4 *ibid.*

3 Clause (15) was inserted by section 3 *ibid.*

(*b*) from assisting an industrial business or enterprise by agreements to purchase on business terms the whole or a portion of the products of the same ;

(*c*) from assisting an industrial business or enterprise by giving gratis or on favourable terms, the services of Government officials or experts either in the capacity of advisers or for a limited period not exceeding one year for starting or conducting such business or enterprise ;

(*d*) from assisting an industrial business or enterprise in connexion with industrial education or the training of apprentices.

MADRAS ACT No. VI OF 1923.[1]

[An Act to amend the Madras Stamp (Amendment) Act, 1922.]

[20*th March*, 1923.]

Preamble. WHEREAS it is expedient to amend the Madras Stamp (Amendment) Act, 1922 ; and whereas the previous sanction of the Governor-General has been obtained under section 80-A, sub-section (3), of the Government of India Act to the passing of this Act ; It is hereby enacted as follows :— Mad. VI of 1922.

Short title. **1.** This Act may be called the Madras Stamp (Further Amendment) Act, 1923.

Amendment of section 8. **2.** In section 8 of the Madras Stamp (Amendment) Act, 1922, the letter and brackets (*b*) after sub-section (1) shall be omitted.

Amendment of Schedule I-A. **3.** In Schedule I-A of the same Act the following amendments shall be made :—

(*a*) In article 5 (*a*) (ii) under the column "if drawn singly" for the figures "10–0–0" the figures "10–2–0" shall be substituted.

(*b*) In article 5 (*b*), in the column headed "Proper stamp duty" after the words "amount secured" the following shall be inserted, namely :—"Stamp duty of quarter anna shall be reckoned as half anna and three-quarter anna as one anna."

(*c*) In article 50 (*c*) (i), in the column headed "Description of instrument" for the words "five rupees" the words "seven rupees eight annas" shall be substituted.

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1 For Statement of Objects and Reasons, *see Fort St. George Gazette*, dated 9th January 1923, page 2.

MADRAS ACT No. VII OF 1923.

THE MADRAS UNIVERSITY ACT, 1923.

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[1*st May*, 1923.]

[An Act to provide for the reorganization of the [2]Madras University.]

WHEREAS it is expedient to reorganize the University of Madras with a view to establishing a teaching and residential University at Madras while enabling the University to continue to exercise due control over the quality of the teaching given by colleges which are to constitute the University of Madras or are affiliated to it ; Preamble.

AND WHEREAS it is desirable to foster the development of academic life and corporate unity as well in the colleges as in the University by so promoting co-operation among the colleges and between the University and the colleges as to utilize to the full the teaching resources available within the limits of the University ;

AND WHEREAS it is desirable by the concentration and co-ordination of resources for higher teaching and research at suitable centres outside the limits of the University to prepare for the institution of new Universities ;

AND WHEREAS the previous sanction of the Governor-General has been obtained for the passing of this Act ; It is hereby enacted as follows :—

CHAPTER I—PRELIMINARY.

1. (1) This Act may be called the Madras University Act, 1923. Short title and commencement.

(2) This section shall come into force at once. The rest of this Act shall come into force on such date or dates as the Local Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(*a*) '*Affiliated College*' means a college situated outside the limits of the University and affiliated to the University of Madras as constituted prior to the commencement of this Act or admitted to the privileges of affiliation with the University under conditions prescribed in this behalf.

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[1] For Statement of Objects and Reasons, *see* Part IV of the *Fort St. George Gazette*, dated 17th October 1922, pp. 110–111.

[2] The Act has been repealed in its application to Andhra districts by section 1 of the Andhra University Act, 1925 (Madras Act II of 1926).

(*b*) '*Constituent College*' means a college maintained or recognized by the University in accordance with the provisions of this Act in which instruction is provided under prescribed conditions and which is situated within the limits of the University.

(*c*) '*First-grade College*' means a college which submits its students to examinations qualifying for degrees other than professional degrees.

[1][(*cc*) '*Honours College*' means a first-grade college in which provision is made for Honours or post-graduate courses of study leading up to the higher degrees of the University ;]

(*d*) '*Hostel*' means a unit of residence for students of the University maintained or recognized by the University in accordance with the provisions of this Act.

(*e*) '*Limits of the University*' means the territory within a radius of ten miles from Fort St. George.

[2][(*ee*) '*Oriental College*' means an institution in which provision is made for courses of study in oriental learning only and for the preparation of students for degrees, titles, or diplomas of the University in such learning, in accordance with the regulations ;]

(*f*) '*Prescribed*' means prescribed by [3][this Act or] the Statutes, Ordinances or Regulations.

(*g*) '*Principal*' means the head of a [4][constituent, affiliated or oriental college.]

[5][(*gg*) '*Professional College*' means a college in which are provided courses of study leading up to the professional degrees of the University ;]

[6][(*h*) '*Registered graduates*' means graduates registered under this Act or the Indian Universities Act, 1904 ;]

(*i*) '*Second-grade college*' means a college which prepares its students for the Intermediate Examination in Arts and Science and does not submit its students to Degree Examinations.

[6][(*j*) '*Teachers*' means such professors, readers, lecturers and other persons giving instructions in constituent, affiliated or oriental colleges or in hostels as may be declared by the Statutes to be teachers ;]

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[1] This clause was added by section 2 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] This clause was added by section 2 *ibid.*

[3] These words were inserted by section 2 *ibid.*

[4] These words were substituted for the words "constituent college or of an affiliated college" by section 2 *ibid.*

[5] This clause was added by section 2 *ibid.*

[6] This clause was substituted by section 2 *ibid.*

(*k*) '*Teachers of the University*' means persons appointed by the University to give instruction on its behalf.

(*l*) '*University*' means the University of Madras as reconstituted under this Act.

(*m*) '*University centre*' means a local area, outside the limits of the University, recognized by the Local Government on the recommendation of the University as containing one or more colleges competent to engage in higher teaching and research work and to promote University life in a manner calculated to prepare for the institution of a new University.

(*n*) '*University Professor*' means a [1][whole-time or part-time] Professor appointed to deliver lectures, to conduct classes, to engage in or direct and supervise research, or to do any other academical work that may be entrusted to him under the provisions of this Act.

CHAPTER II—THE UNIVERSITY.

The University.

3. (1) The first Chancellor, Pro-Chancellor and Vice-Chancellor of the University and the first members of the Senate, the Syndicate, [2][and] the Academic Council, [3][**] and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of the University of Madras.

(2) The University shall have prepetual succession and a common seal and shall sue and be sued by the name of the University of Madras.

Vacation of Fellowships.

4. As from the date on which section 3 and this section are brought into operation the Chancellor shall cease to exercise his functions under any Act or Acts heretofore in force and the Vice-Chancellor and all Fellows and Honorary Fellows of the University of Madras as constituted and incorporated by any Act or Acts heretofore in force shall cease to be the Vice-Chancellor, Fellows and Honorary Fellows of the University, respectively.

Powers of the University.

[4]**[4-A.** The University shall have the following powers, namely :—

(1) to provide for instruction and training in such branches of learning as it may think fit and to make provision for research and for the advancement and dissemination of knowledge ;

(2) to establish, maintain and manage Institutes of Research ;

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[1] These words were inserted by section 2 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] This word was inserted by section 3 *ibid.*

[3] The words "and the Council of Affiliated Colleges" were omitted by section 3 *ibid.*

[4] This section was inserted by section 4 *ibid.*

(3) to make such provision as will enable constituent, affiliated and oriental colleges to undertake specialization of studies and to organize common laboratories, libraries and other equipment for research work ;

(4) to institute professorships, readerships, lectureships and any other teaching posts required by the University and to appoint persons to such professorships, readerships, lectureships and other teaching posts ;

(5) to institute degrees, titles, diplomas and other academic distinctions ;

(6) to hold examinations and to confer degrees, titles, diplomas and other academic distinctions on persons who—

(*a*) shall have pursued an approved course of study in a constituent, affiliated or oriental college unless exempted therefrom in the manner prescribed by the Statutes and shall have passed the prescribed examinations of the University ; or

(*b*) shall have carried on research under conditions prescribed ;

(7) to confer honorary degrees or other distinctions under conditions prescribed ;

(8) (*a*) to institute, maintain and manage constituent colleges, to recognize colleges not maintained by the University as constituent colleges, to allow colleges recognized by the University before the passing of this Act to continue to exercise the rights and privileges conferred on them by such recognition and any further rights conferred by or under this Act and to withdraw recognition from colleges ;

(*b*) to approve institutions as oriental colleges, to allow institutions approved by the University before the passing of this Act to continue to exercise the rights and privileges conferred on them by such approval and any further rights conferred by or under this Act until such time as they may be transferred to other Universities and to withdraw approval from institutions ;

(9) to affiliate to itself colleges outside the limits of the University, to allow colleges affiliated to the University before the passing of this Act to continue to exercise the rights and privileges conferred on them by the affiliation and any further rights conferred by or under this Act until such time as they may be transferred to other Universities and to withdraw affiliation from colleges ;

(10) to recommend to the Local Government the recognition of any local area as a University centre ;

(11) to establish, maintain and manage hostels, to recognize hostels not maintained by the University and to withdraw recognition therefrom ;

(12) to hold and manage endowments and to institute and award fellowships, travelling fellowships, scholarships, studentships, bursaries, exhibitions, medals, and prizes ;

(13) to fix fees and to demand and receive such fees as may be prescribed ;

(14) to create and manage an affiliated college fund ;

(15) to make grants from the funds of the University for the maintenance of a University Training Corps ;

(16) to exercise such control over the students of the University through the colleges as will secure their health and well-being ;

(17) to institute and provide funds for the maintenance of

(*a*) a Publication Bureau ;

(*b*) an Employment Bureau ;

(*c*) Students' Unions ;

(*d*) University Extension Boards ; and

(*e*) University Athletic Clubs ;

(18) to co-operate with other Universities and other authorities in such manner and for such purposes as the University may determine ; and

(19) generally to do all such other acts and things as may be necessary or desirable to further the objects of the University.]

University open to all classes and creeds.

5. (1) No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, [1] [creed, class, or political views] and it shall not be lawful for the University to adopt or impose on any person any test whatsoever [2] [relating to religious belief or profession or political views] in order to entitle him to be admitted thereto as a teacher or student or to hold any office therein or to graduate thereat or to enjoy or exercise any privileges thereof except where in respect of any particular benefaction accepted by the University such test is made a condition thereof.

[1] These words were substituted for the words " creed, or class " by section 5 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] These words were substituted for the words " relating to religious belief or profession " by section 5 *ibid.*

Disqualification for membership.

(2) No person shall be qualified for election or nomination as a member of any of the authorities of the University if he

(*a*) is at the date of election or nomination of unsound mind, deaf-mute or suffers from contagious leprosy, or

(*b*) is an uncertificated bankrupt or undischarged insolvent, or

(*c*) has been convicted by a court of law of an offence which involves moral delinquency.

In case of dispute or doubt, the Syndicate shall determine whether a person is disqualified under this sub-section and its decision shall be final.

Attendance qualifying for University examinations.

[1][**6.** No attendance at instruction given in any institution other than that conducted, recognized or approved by the University shall qualify for admission to any examination of the University.]

The Visitor.

7. (1) The Governor-General shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment and of any institutions [2][maintained, recognized or approved by or affiliated to] the University and also of the teaching and other work conducted [3][**] by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Visitor shall in every case give notice to the University of his intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor and may, after ascertaining the opinion of the Senate and the Syndicate thereon, advise the University upon the action to be taken.

(4) The Syndicate shall report to the Chancellor for communication to the Visitor such action, if any, as it is proposed to take or has been taken upon the results of such inspection or inquiry. Such report shall be submitted with the opinion of the Senate thereon and within such time as the Chancellor may direct.

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[1] This section was substituted for the original by section 6 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] These words were substituted for the words "associated with" by section 7 *ibid.*

[3] The words "or done" were omitted by section 7 *ibid.*

(5) Where the Senate or the Syndicate does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Senate or the Syndicate, issue such directions as he may think fit and the Senate and the Syndicate shall comply with such directions.

Officers of the University

[**8.** The following shall be the officers of the University :—

(1) The Chancellor ;

(2) The Pro-Chancellor ;

(3) The Vice-Chancellor ;

(4) The Registrar ; and

(5) Such other persons as may be declared by the Statutes to be officers of the University.]

The Chancellor.

9. (1) [2][The Governor of Madras shall be the Chancellor of the University.] He shall by virtue of his office be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate and at any convocation of the University.

(2) The Chancellor shall exercise such powers as may be conferred on him under the provisions of this Act.

(3) Where power is conferred upon the Chancellor to nominate persons to authorities, the Chancellor shall, to the extent necessary, nominate persons to represent communities or interests not otherwise adequately represented.

The Pro-Chancellor.

10. [3][(1) The Minister administering the subject of education for the time being shall be the Pro-Chancellor of the University.]

(2) In the absence of the Chancellor, or during the Chancellor's inability to act, the Pro-Chancellor shall exercise all the functions of the Chancellor.

The Vice-Chancellor.

11. (1) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor from among [4][three] persons recommended by the Senate. He shall hold office for a term of three years and may be paid such salary as [5][may be prescribed by the Statutes].

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[1] This section was substituted for the original by section 8 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] These words were substituted for the words "The Chancellor of the University shall be the Governor of Madras" by section 9 *ibid.*

[3] This sub-section was substituted for the original by section 10 *ibid.*

[4] This word was substituted for the word "five" by section 11 *ibid.*

[5] These words were substituted for the words "may be prescribed" by section 11 *ibid.*

(2) [1][When] any temporary vacancy occurs in the office of Vice-Chancellor the Syndicate shall, as soon as possible, subject to the approval of the Chancellor, make the requisite arrangements for [2][exercising the powers and performing the duties] of the Vice-Chancellor.

Powers and duties of the Vice-Chancellor.

12. (1) The Vice-Chancellor shall be the principal executive officer of the University and shall, in the absence of the Chancellor and Pro-Chancellor, preside at meetings of the Senate and at any convocation of the University. He shall be a member ex officio and Chairman of the Syndicate, [3][and] of the Academic Council [4][**] and shall be entitled to be present at and to address [5][**] any meeting of any authority of the University but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, Ordinances and Regulations are faithfully observed and carried out and he may exercise all powers necessary for this purpose.

(3) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, [6][and] the Academic Council [7][**].

(4) (*a*) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, he may take such action with the sanction of the Chancellor or Pro-Chancellor and shall as soon as may be thereafter report his action to the officer or authority who or which would have ordinarily dealt with the matter.

(*b*) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Syndicate within thirty days from the date on which he has notice of such action.

(5) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, dismissal and suspension of the teachers of the University and its servants and shall exercise general control over the affairs of the University.

(6) The Vice-Chancellor shall exercise such other powers, as may be prescribed.

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[1] This word was substituted for the word " Where " by section 11 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] These words were substituted for the words " carrying on the duties " by section 11 *ibid.*

[3] The word " and " was inserted by section 12 *ibid.*

[4] The words " and of the Council of Affiliated Colleges " were omitted by section 12 *ibid.*

[5] The word " at " was omitted by section 12 *ibid.*

[6] The word " and " was inserted by section 12 *ibid.*

[7] The words " and the Council of Affiliated Colleges " were omitted by section 12 *ibid.*

[1] [**12-A.** (1) The Registrar shall be a whole-time paid officer of the University appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes. The Registrar.

(2) The Registrar shall exercise such powers and perform such duties as may be prescribed.]

13. The following shall be the authorities of the University :— Authorities of the University.

(1) The Senate,

(2) the Syndicate,

(3) the Academic Council,

(4) the Faculties,

(5) the Boards of Studies, [2] [and]

[3] [Omitted]

[4][(6)] such other [5] [bodies] as may be declared by the Statutes to be authorities of the University.

Chapter III—The Senate—Powers and Duties.

[6] [**14.** (*a*) The Senate shall consist of the following persons, namely :— The Senate.

Class I—Ex officio Members.

(1) The Chancellor ;
(2) The Pro-Chancellor ;
(3) The Vice-Chancellor ;
(4) The Director of Public Instruction, Madras ;
(5) The Principals of first-grade colleges ;
(6) The Principals of professional colleges ;
(7) The whole-time University Professors paid from University funds or endowments ; and
(8) Members of the Syndicate who are not otherwise members of the Senate.

Class II—Life Members.

(1) Such number of persons not exceeding five as may be nominated by the Chancellor to be life members on the ground that they have rendered eminent services to education ; and

(2) All persons who make a donation of not less than Rs. 25,000 to or for the general purposes of the University.

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[1] This section was added by section 13 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] This word was inserted by section 14 *ibid.*

[3] The clause " (6) the Council of Affiliated Colleges, and " was omitted by section 14 *ibid.*

[4] The figure " (6) " was substituted for the figure " (7) " by section 14 *ibid.*

[5] This word was substituted for the word " authorities " by section 14 *ibid.*

[6] This section was substituted for the original by section 15 *ibid.*

Class III—Other Members.

(1) Thirty members elected by registered graduates from among themselves according to the principle of proportional representation by means of the single transferable vote.

(2) Twenty members elected by the Academic Council from among its own body, of whom not less than ten shall be teachers of affiliated colleges.

(3) Twelve members elected by the non-official members of the Legislative Council of Madras from among themselves.

(4) Five persons elected from among themselves by the Principals of second-grade colleges affiliated to the University and three persons elected from among themselves by Headmasters of High schools recognized by the Local Government.

(5) Four members elected by the Corporation of Madras from among its own body.

(6) Two members for each district, one elected by the members of the District Board from among themselves and the other by the Municipal Councillors of the Municipalities in the district from among themselves.

(7) Two members elected by the Madras Chamber of Commerce and two members elected by the Southern India Chamber of Commerce.

(8) Two members elected by the Madras Landholders' Association.

(9) Two members elected by the Muhammadan Educational Association of Southern India.

(10) Every association making a donation of not less than Rs. 25,000 and every person making a donation of not less than Rs. 10,000 but not amounting to Rs. 25,000 or more to or for the general purposes of the University shall be entitled to nominate one member to the Senate who shall be a member for five years and if such member vacates his office before the expiry of the period of five years, another member may be nominated in his palce by the association or person concerned, who shall hold office for the residue of such period, and the same provision shall apply in all cases of vacancies arising before the expiry of such period.

(11) Thirty members nominated by the Chancellor, of whom not less than twenty shall be nominated to secure the representation of the depressed and backward classes and of other minorities not otherwise adequately represented; and

(12) One member to represent each of the chief Indian languages in the Presidency, to be nominated by the Chancellor.

(*b*) Save as otherwise provided, elected and nominated members of the Senate shall hold office for a period of three years from the date of the election or nomination, as the case may be :

Provided, however, that no member elected in his capacity as a member of a particular electorate shall hold office for a longer period than three months after he has ceased to be such member unless meanwhile he again becomes a member of that electorate :

Provided also that where an elected or nominated member of the Senate is appointed temporarily to any of the offices by virtue of which he is entitled to be a member of the Senate ex officio, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Senate by virtue of his election or nomination or whether he will vacate office as such member and become a member ex officio by virtue of his appointment and the choice shall be conclusive. On failure to make such choice, he shall be deemed to have vacated his office as an elected or nominated member.

(*c*) When a person ceases to be a member of the Senate he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Senate.]

The Senate to be the supreme governing body.

[1] [**15.** The Senate shall be the supreme governing body of the University and shall have power to review the action of the Syndicate and of the Academic Council save where the Syndicate and the Academic Council have acted in accordance with powers conferred on them under this Act, the Statutes, the Ordinances or the Regulations and shall exercise all the powers of the University not otherwise provided for and all powers requisite to give effect to the provisions of this Act :

Provided that if any question arises whether the Syndicate or the Academic Council has acted in accordance with such powers as aforesaid or not, the question shall be decided by a resolution passed by two-thirds of the number of members present and voting at a meeting of the Senate and the decision shall be final.]

Powers of the Senate.

[2] [**16.** In particular and without prejudice to the generality of the powers conferred by section 15, the Senate shall have the following powers, namely :—

(1) to make Statutes and amend or repeal the same ;

(2) to modify or cancel Ordinances and Regulations in the manner prescribed by this Act ;

[1] This section was substituted for the original by section 16 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] This section was substituted for the original by section 17 *ibid.*

(3) to make such provision as will enable constituent, affiliated and oriental colleges to undertake specialization of studies and to organize common laboratories, libraries and other equipment for research work ;

(4) to provide for instruction and training in such branches of learning as it may think fit ;

(5) to institute and maintain Constituent Colleges, to prescribe in consultation with the Academic Council the conditions of recognition as Constituent Colleges, of Colleges not maintained by the University, to allow Colleges recognized by the University before the passing of this Act to continue to exercise the rights and privileges conferred on them by the recognition and any further rights conferred by or under this Act to withdraw recognition therefrom ;

(6) to prescribe in consultation with the Academic Council the conditions for approving as Oriental Colleges institutions in which provision is made for courses of study in Oriental Learning only and for the preparation of students for degrees, titles or diplomas of the University, and to allow Oriental institutions approved by the University before the passing of this Act to continue to exercise the rights and privileges conferred on them by such approval and any further rights conferred by or under this Act until they are transferred to other Universities and to withdraw such approval ;

(7) to provide for research and the advancement and dissemination of knowledge ;

(8) to institute, after consultation with the Academic Council, professorships, readerships, lectureships and any other teaching posts required by the University ;

(9) to establish, equip and maintain University laboratories, libraries and Institutes of Research ;

(10) to prescribe in consultation with the Academic Council the conditions of affiliation to the University of Colleges outside the limits of the University to allow colleges affiliated to the University before the passing of this Act to continue to exercise the rights and privileges conferred on them by the affiliation and any further rights conferred by or under this Act until they are transferred to other Universities and to withdraw affiliation from colleges ;

(11) to provide after consultation with the Academic Council such lectures and instruction for students of the constituent, affiliated and oriental colleges of the University as the Senate may determine and

also to provide for lectures and instruction to persons not being students of the University and to grant diplomas to them ;

(12) to provide for the inspection of all colleges and hostels ;

(13) to institute degrees, titles, diplomas and other academic distinctions ;

(14) to confer degrees, titles, diplomas and other academic distinctions on persons who—

(*a*) shall have pursued an approved course of study in a constituent, affiliated or oriental college or have been exempted therefrom in the manner prescribed by the Statutes and shall have passed the prescribed examinations of the University, or

(*b*) shall have carried on research under conditions prescribed ;

(15) to confer honorary degrees or other distinctions on the recommendation of not less than two-thirds of the members of the Syndicate ;

(16) to establish and maintain hostels ;

(17) to institute, after consultation with the Academic Council, fellowships, travelling fellowships, scholarships, studentships, bursaries, exhibitions, medals and prizes ;

(18) to prescribe the fees to be charged for the recognition and affiliation of colleges, for admission to the examinations, degrees and diplomas of the University, for the registration of the graduates and for all or any of the purposes specified in section 4-A of this Act ;

(19) to consider and take such action as it may deem fit on the annual report, the annual accounts and the financial estimates ;

(20) to create and manage an affiliated college fund and make Statutes therefor ;

(21) to institute, after consultation with the Academic Council, a Publication Bureau, an Employment Bureau, Students' Unions, University Extension Boards and University Athletic clubs ;

(22) to enter into any agreement with the Government or with a private management for assuming the management of any institution and for taking over its properties and liabilities or for any other purpose not repugnant to the provisions of this Act ;

(23) to make Statutes regulating the method of election to the authorities of the University and the procedure at the meeting of the Senate, Syndicate and other

authorities of the University and the quorum of members required for the transaction of business by the authorities of the University other than the Senate ;

(24) to recommend to the Local Government the recognition of any local area as a University centre ;

(25) to co-operate with other Universities and other authorities in such manner and for such purposes as it may determine ; and

(26) to delegate such of its powers as it may deem fit to any authority or authorities constituted under this Act.]

Meetings of the Senate.

17. [1] [(1) The Senate shall meet at least twice a year on dates to be fixed by the Vice-Chancellor. One of such meetings shall be called the annual meeting. The Senate may also meet at such other times as it may, from time to time, determine ;]

(2) Thirty-five members of the Senate shall be the quorum for a meeting of the Senate.

(3) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than 35 members of the Senate, convene a special meeting of the Senate.

Chapter IV—The Syndicate.

The Syndicate.

18. [2] [(*a*)] The Syndicate shall, in addition to the Vice-Chancellor, consist of the following persons, namely :—

Class I—Ex officio Member.

The Director of Public Instruction, Madras.

Class II—Other Members.

(1) Eight members elected by the Senate from among its members.

(2) [3] [Six] members elected by the Academic Council from among its members [4] [of whom three shall be teachers of affiliated colleges and the rest shall be persons other than teachers of affiliated colleges].

[5] [(3)] Three members nominated by the Chancellor.

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[1] This sub-section was substituted for the original by section 18 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] Section 18 was numbered as 18 (*a*) by section 19 *ibid.*

[3] This word was substituted for the word "Three" by section 19 *ibid.*

[4] These words were added by section 19 *ibid.*

[5] Clause (3) was omitted and clause (4) was renumbered as clause (3) by section 19 *ibid.*

[1] [Provided that no whole-time University Professor or whole-time teacher of the University shall be eligible for election or nomination as a member of the Syndicate.]

[2] [(*b*)] Save as otherwise provided, elected and nominated members of the Syndicate shall hold office for a period of three years from the date of the election or nomination as the case may be :

Provided, however, that no member elected in his capacity as a member of a particular electorate shall hold office for a longer period than three months after he has ceased to be such member, unless meanwhile he again becomes a member of that electorate :

Provided also that where an elected or nominated member of the Syndicate is appointed temporarily to any of the offices by virtue of which he is entitled to be a member of the Syndicate ex officio, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Syndicate by virtue of his election or nomination or whether he will vacate office as such member and become a member ex officio by virtue of his appointment and the choice shall be conclusive. On failure to make such choice, he shall be deemed to have vacated his office as an elected or nominated member :

Provided also that a member of the Syndicate shall cease to be a member if he subsequently becomes a whole-time University Professor or whole-time teacher of the University.

(*c*) When a person ceases to be a member of the Syndicate he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Syndicate.]

Powers of the Syndicate.

[3] [**19.** The Syndicate shall have the following powers, namely :—

(*a*) to make ordinances and amend or repeal the same ;

(*b*) to hold, control and administer the properties and funds of the University ;

(*c*) to direct the form, custody and use of the common seal of the University ;

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[1] The proviso was added by section 19 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] Sub-sections (*b*) and (*c*) were substituted by section 19 *ibid*, for the last paragraph of the section which was in the following terms, namely :—

"Members other than ex officio members shall hold office for a period of three years, provided that a member nominated or elected in his capacity as a member of a particular body shall hold office so long only within that period, as he continues to be a member of that body."

[3] This section was substituted for the original by section 20 *ibid*.

(*d*) to regulate and determine all matters concerning the University in accordance with this Act, the Statutes, the Regulations and the Ordinances ;

(*e*) to frame the financial estimates of the University and submit the same to the Senate ;

(*f*) to administer all properties and funds placed at the disposal of the University for specific purposes ;

(*g*) to appoint the University Professors and Readers and the teachers and servants of the University, fix their emoluments, if any, define their duties and the conditions of their service ; and provide for the filling up of temporary vacancies ;

(*h*) to suspend and dismiss the University Professors and Readers and the teachers and servants of the University ;

(*i*) to accept endowments, bequests, donations and transfers of any movable and immovable properties to the University on its behalf, provided that all such endowments, bequests, donations and transfers shall be reported to the Senate at its next meeting ;

(*j*) to recognize colleges within the limits of the University and not maintained by the University as constituent colleges ; affiliate to the University colleges outside the limits of the University ; approve institutions as oriental colleges and recognize hostels not maintained by the University and withdraw recognition therefrom ;

(*k*) to arrange for and direct the inspection of all constituent, affiliated and oriental colleges and hostels ;

(*l*) to prescribe the qualifications of teachers in constituent, affiliated and oriental colleges and hostels ;

(*m*) to award fellowships, travelling fellowships, scholarships, studentships, bursaries, exhibitions, medals and prizes in accordance with the Statutes ;

(*n*) to charge and collect such fees as may be prescribed ;

(*o*) to conduct the University examinations and approve and publish the results thereof ;

(*p*) to make ordinances regarding the admission of students to the University or prescribing examinations to be recognized as equivalent to University examinations ;

(*q*) to appoint members to the Boards of Studies ;

(*r*) (i) to appoint examiners after consideration of the recommendations of the Boards of Studies ; and (ii) to fix their remuneration ;

(*s*) to supervise and control the residence and discipline of the students of the University and make arrangements through the colleges for securing their health and well-being ;

(*t*) to manage the University laboratories, libraries, institutes of research and other institutions established by the University ;

(*u*) to manage hostels instituted by the University ;

(*v*) to manage constituent colleges instituted by the University ;

(*w*) to manage any Publication Bureau, Employment Bureau, Students' Union, University Extension Board or University Athletic Club instituted by the University ;

(*x*) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, or the Statutes, Ordinances or Regulations ; and

(*y*) to delegate any of its powers to the Vice-Chancellor, to a Committee from among its own members or to a Committee appointed in accordance with the Statutes.]

Annual report.

20. The annual report of the University shall be prepared by the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at its next annual meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate which shall take action in accordance therewith. The Syndicate shall inform the Senate of the action taken by it. A copy of the report with a copy of the resolutions thereon, if any, of the Senate shall be submitted to the Local Government for information.

Annual accounts.

21. (1) The annual accounts of the University shall be prepared by the Syndicate and shall be submitted to such examination and audit as the Local Government may direct.

(2) The accounts when audited shall be published by the Syndicate in the *Fort St. George Gazette* and copies thereof shall together with copies of the audit report be submitted to the Senate and the Local Government.

(3) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(4) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

CHAPTER V—THE ACADEMIC COUNCIL, THE FACULTIES, [1] [THE BOARDS OF STUDIES AND OTHER AUTHORITIES].

The Academic Council.

22. The Academic Council shall be the academic authority of the University and shall, subject to the provisions of this Act and the Statutes, have the control and general regulation of teaching and examination within the University and be responsible for the maintenance of the standards thereof and shall exercise such other powers and perform such other duties as may be prescribed.

The Academic Council.

[2] [**23.** (*a*) The members of the Academic Council in addition to the Vice-Chancellor shall be—

Class I—Ex officio Members.

(1) The Director of Public Instruction, Madras ;

(2) The University Professors ;

(3) The heads of University Departments of Study and Research ;

(4) The Librarian of the University Library ;

(5) The Principals of first-grade colleges ;

(6) The Principals of professional colleges ;

(7) The Principals of constituent second-grade colleges ;

(8) Readers of the University appointed under clause (*g*) of section 19 ;

(9) Members of the Senate nominated under clause (12) of class III of sub-section (*a*) of section 14 ; and

(10) Members of the Syndicate who are not otherwise members of the Academic Council.

Class II—Other Members.

(1) Six members elected by the Principals of affiliated second-grade colleges from among themselves ;

(2) Five members elected by the Senate from its own body who are not engaged in teaching :

(3) Three teachers of each of the honours colleges and of the Madras Medical College to be elected by the teachers in such college ;

(4) Two teachers of each of the first-grade and professional colleges (other than honours colleges and the Madras Medical College) to be elected by the teachers in such college ;

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[1] These words were substituted for the words " and the Council of Affiliated Colleges " by section 21 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] This section was substituted for the original by section 22 *ibid.*

(5) Three persons elected from among themselves by the headmasters of high schools recognized by the Local Government ;

(*b*) Save as otherwise provided, elected and nominated members of the Academic Council shall hold office for a period of three years from the date of the election or nomination as the case may be :

Provided however that no member elected in his capacity as a member of a particular electorate shall hold office for a longer period than three months after he has ceased to be such member unless meanwhile he again becomes a member of that electorate :

Provided also that where an elected or nominated member of the Academic Council is appointed temporarily to any of the offices by virtue of which he is entitled to be a member of the Academic Council ex officio, he shall by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Academic Council by virtue of his election or nomination or whether he will vacate office as such member and become a member ex officio by virtue of his appointment and the choice shall be conclusive. On failure to make such choice, he shall be deemed to have vacated his office as an elected or nominated member :

Provided also that a member elected under clause (2) of class II of sub-section (*a*) shall cease to be a member of the Academic Council if he subsequently becomes engaged in teaching.

(*c*) When a person ceases to be a member of the Academic Council he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of Academic Council.]

Powers of the Academic Council.

[1] [**24.** Subject to the provisions of this Act the Academic Council shall have the following powers, namely :—

(*a*) to make regulations and amend or repeal the same ;

(*b*) to advise the Senate and the Syndicate on all academic matters ;

(*c*) to make proposals to the Senate and the Syndicate for the institution of professorships, readerships, lectureships, or other teaching posts and in regard to the duties and emoluments thereof ;

(*d*) to make regulations regarding the special courses of study or division of subjects in constituent, affiliated and oriental colleges ;

[1] This section was substituted for the original by section 23 of the **Madras University(Amendment) Act, 1929 (Madras Act XII of 1929).**

(*e*) to make regulations for the encouragement of co-operation and reciprocity among constituent, affiliated and oriental colleges with a view to promoting academic life ;

(*f*) to make regulations regarding courses of study, examinations and the conditions on which students of constituent, affiliated and oriental colleges shall be admitted to examinations of the University ;

(*g*) to constitute Faculties in Arts, Science, Law, Medicine, Engineering, Technology, Teaching, Agriculture, Commerce, Oriental Learning, Indian System of Medicine, Fine Arts and such other subjects as may be prescribed ;

(*h*) to make proposals to the Syndicate for the framing of Ordinances for the management of University laboratories, libraries and institutes of research, constituent colleges and hostels instituted by the University and other institutions established by the University ;

(*i*) to recommend to the Senate schemes for the constitution or reconstitution of departments of teaching ;

(*j*) to promote research within the University and to call for reports on such research from the persons engaged therein and to make recommendations to the Syndicate thereon ; and

(*k*) to appoint a Standing Committee of which not less than one-third shall be members of the Academic Council who are Principals or teachers of affiliated colleges and to delegate to it such of its powers as it may deem fit.]

The Faculties.

[1] **25.** [The University shall include Faculties of Arts, Science, Law, Medicine, Engineering, Teaching, Agriculture, Commerce, Oriental Learning, Fine Arts, and such other Faculties as may be prescribed by the Statutes. Each Faculty shall comprise such departments of teaching as may be prescribed by the Ordinances. The constitution and functions of the Faculties shall in all other respects be prescribed by the Regulations ; provided that not less than three-fourths of the total number of members of every Faculty shall be members of the Academic Council.]

The Boards of Studies.

[2][**25-A**. There shall be Boards of Studies attached to each department of teaching. The constitution and powers of the Boards of Studies shall be prescribed by the Ordinances.]

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[1] This section was substituted for the original by section 24 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] This section was inserted by section 25 *ibid.*

[1] **26.** [Omitted.]

[1] **27.** [Omitted.]

28. The constitution of such other [2] [bodies] as may be declared by the Statutes to be authorities of the University shall be provided for in the manner prescribed. Constitution of other authorities.

CHAPTER VI—STATUTES, ORDINANCES AND REGULATIONS.

29. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :— Statutes.

(*a*) the constitution, powers and duties of the authorities of the University ;

(*b*) the conditions of recommendation by the Senate of local areas to be recognized by the Government as University centres ;

[3] [(*c*) the conditions of recognition of constituent colleges, of affiliation to the University of Affiliated Colleges and of approval of institutions as Oriental Colleges ;]

(*d*) the institution and maintenance of constituent colleges and hostels ;

[4] [(*e*) the powers, duties and conditions of service of the officers of the University other than the Chancellor and the Pro-Chancellor ;]

[4] [(*f*)] the holding of convocations to confer degrees ;

[4] [(*g*)] the conferment of honorary degrees ;

[4] [(*h*) the administration of endowments and the institution and conditions of award of fellowships, travelling fellowships, scholarships, studentships, bursaries, exhibitions, medals and prizes ; and]

[4] [(*i*)] the classification and the mode of appointment of the teachers of the University ;

[4] [(*j*)] the institution of pension or provident fund for the benefit of the teachers of the University or its servants ;

[4] [(*k*)] the maintenance of a register of registered graduates ; [5] [and]

[4] [(*l*) all matters which by this Act may be prescribed by the Statutes.]

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[1] These sections were omitted by section 26 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] This was substituted for the word "authorities" by section 27 *ibid.*

[3] This clause was substituted for the original by section 28 *ibid.*

[4] Clauses (*e*) and (*m*) were omitted and clauses (*f*), (*g*), (*h*), (*i*), (*j*) (*k*) (*l*) and (*n*) were relettered as (*e*), (*f*), (*g*), (*h*), (*i*), (*j*), (*k*) and (*l*) respectively by section 28 *ibid* and for clauses (*e*) and (*h*) as so relettered other clauses were substituted by section 28 *ibid.*

[5] This word was inserted by section 28 *ibid.*

Statutes how made.

30. [1][(1)] The Senate may of its own motion take into consideration the draft of any Statute, provided that in any such case before a Statute is passed affecting the powers or duties of any officer or authority, the opinion of the Syndicate and a report from the person or authority concerned shall have been taken into consideration by the Senate.

[1][(2)] The Syndicate may propose to the Senate the draft of any Statute. Such draft may be considered by the Senate at its next succeeding meeting. The Senate may approve such draft and pass the Statute or may reject it or return it to the Syndicate for reconsideration either in whole or in part together with any amendments which the Senate may suggest. After any draft so returned has been further considered by the Syndicate together with any amendments suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon and the Senate may then deal with the draft in any manner it thinks fit.

[1][(3)] Where any Statute has been passed by the Senate or a draft of a Statute has been rejected by the Senate it shall be submitted to the Chancellor who may refer the Statute or draft back to the Senate for further consideration or in the case of a Statute passed by the Senate assent thereto or withhold his assent. A Statute passed by the Senate shall have no validity until it has been assented to by the Chancellor.

[1][(4)] The Syndicate shall not propose the draft of any Statute or of any amendment to a Statute—

(*a*) affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal ; any opinion so expressed shall be in writing and shall be considered by the Senate and shall be submitted to the Chancellor ; or

(*b*) affecting the conditions of affiliation of affiliated colleges with the University except after consultation with the Academic Council[2] [**].

Ordinances.

31. Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—

(*a*) the admission of students to the University and the levy of fees in colleges maintained by the University ;

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[1] Sub-sections (1) and (2) were omitted and sub-sections (3) to (6) were renumbered as (1) to (4) respectively by section 29 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] The words " and the Council of Affiliated Colleges " were omitted by section 29 *ibid.*

[1] [(*b*)] the conditions of residence of the students of the University and the levy of fees for residence in hostels maintained by the University ;

[2] [(*c*) the conditions of recognition of hostels not maintained by the University ;]

[1] [(*d*)] the [3] [**] qualifications and emoluments of teachers of the University;

[1] [(*e*)] the fees to be charged for courses of teaching given by teachers of the University, [4][and] for tutorial and supplementary instruction given by the University [5] [**]

[1] [(*f*)] the conditions subject to which persons who may hereafter be permanently employed may be recognized as qualified to give instruction in constituent [6][affiliated and oriental] colleges and hostels ;

[1] [(*g*)] the appointment and duties of examiners ;

[1] [(*h*)] the conduct of examinations ; and

[1] [(*i*)] all matters which by this Act or by the Statutes may be provided for by the Ordinances.

Ordinances how made.

32. [7] [(1) In making Ordinances the Syndicate shall consult—

(i) the Boards of Studies when such Ordinances affect the appointment and duties of examiners, and

(ii) the Academic Council when they affect the conduct or standard of examinations, or the conditions of residence of students.]

(2) All Ordinances made by the Syndicate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted as soon as may be to the Chancellor and the Senate and shall be considered by the Senate at its next succeeding meeting. The Senate shall have power by a resolution passed by a majority of not less than two-thirds of the members present at such meeting to cancel or modify any such Ordinance.

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[1] Clause (*b*) was omitted and clauses (*c*) to (*j*) were relettered as (*b*) to (*i*) respectively by section 30 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] Clause (*c*) was substituted for the original clause (*c*) as relettered by section 30 *ibid.*

[3] The word " number " was omitted by section 30 *ibid.*

[4] This word was inserted by section 30 *ibid.*

[5] The words " for admission to the examinations, degrees and diplomas of the University and for the registration of graduates " were omitted by section 30 *ibid.*

[6] These words were inserted by section 30 *ibid.*

[7] Sub-section (1) was substituted for the original by section 31 ***ibid.***

(3) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Senate has had an opportunity of considering the same.

Regulations how made.

33. The Academic Council may make Regulations consistent with this Act and the Statutes to carry out the duties assigned to it thereunder.

All such Regulations shall have effect from such date as the Academic Council may direct; but every Regulation so made shall be submitted as soon as may be to the Senate who shall consider it at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or modify any such Regulation.

CHAPTER VII—ADMISSION AND RESIDENCE OF STUDENTS.

Residences and hostels.

34. Every student of the University shall reside in a hostel or under such other conditions as may be prescribed.

Colleges and hostels.

35. (1) Colleges and hostels maintained by the University shall be such as may be prescribed.

(2) Colleges and hostels other than those maintained by the University shall be such as may be [1][recognized by the Syndicate] on such general or special conditions as may be prescribed.

(3) The Senate shall have power to suspend or withdraw the recognition of any college [2][***] which may not be conducted in accordance with the conditions prescribed. Provided that no such action shall be taken without affording the management of such college [2][***] an opportunity of making such representation as it may deem fit.

[3][(4) The Syndicate shall have power to suspend or withdraw the recognition of any hostel which may not be conducted in accordance with the conditions prescribed, provided that no such action shall be taken without affording the management of such hostel an opportunity of making such representation as it may deem fit.]

Admission to the University courses.

36. (1) Students shall not be eligible for admission to a course of study for a degree unless they have passed the Intermediate Examination in Arts and Science of [4][the University of Madras] or an examination recognized by the Syndicate as equivalent thereto and possess such further qualifications, if any, as may be prescribed.

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[1] These words were substituted for the words "recognized by the Senate" by section 32 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] The words "or hostel" were omitted by section 32 *ibid.*

[3] This sub-section was inserted by section 32 *ibid.*

[4] These words were substituted for the word "Madras" by section 33 *ibid.*

(2) Every candidate for a University examination shall unless exempted from the provisions of this sub-section by a special order of the Syndicate made on the recommendation of the Academic Council be enrolled as a member of a [1][constituent, affiliated or oriental college]. Any such exemption may be made subject to such conditions as the Syndicate may think fit.

(3) Students exempted from the provisions of sub-section (2) and students admitted, in accordance with the conditions prescribed, to courses of study other than courses of study for a degree shall be non-collegiate students of the University.

Control of entrance examination to the University.

37. Notwithstanding anything contained in section 36, at any time after the passing of this Act if the Local Government is satisfied that other adequate arrangements have been made for the supervision and control of institutions preparing candidates for the entrance examination to the University, the Local Government may by notification direct that the said University shall cease to exercise any control over the recognition of such institutions and from the date of such notification the University shall cease to exercise such control.

Chapter VIII—General.

Filling of casual vacancies.

[2][**38.** All vacancies among the members (other than ex officio members) of any authority or other body of the University shall be filled as soon as conveniently may be by the individual or electorate who nominated or elected the member whose place has become vacant.]

Proceedings of the University and bodies not invalidated by vacancies.

39. No act or proceeding or any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of the members.

Removal from membership of the University.

40. The Senate may, on the recommendation of not less than two-thirds of the members of the Syndicate, remove the name of any person from the register of graduates and remove any person from membership of any authority of the University if he has been convicted by a Court of Law of what in the opinion of the Senate is a serious offence involving moral delinquency or if he has been guilty of scandalous conduct and for the same reasons may withdraw any degree or diploma conferred or granted by the University.

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[1] These words were substituted for the words "constituent college or of an affiliated college" by section 33 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] This section was substituted for the original by section 34 *ibid.*

The Senate may also remove any person from the membership of any authority of the University if he becomes of unsound mind or deaf-mute or suffers from contagious leprosy or has applied to be adjudicated or has been adjudicated a bankrupt or insolvent.

Disputes as to constitution of University authority.

41. If any question arises whether any person has been duly elected or nominated as or is entitled to be a member of any authority of the University, the question shall be referred to the Chancellor whose decision thereon shall be final.

Constitution of committees.

[1] [**42.** All the authorities of the University shall have power to appoint committees and to delegate to them such of their powers as they deem fit; such committees shall, unless there be some special provision in this Act to the contrary, consist of such members of the authority concerned and of such other persons, if any, as the authority in each case may think fit.]

Conditions of service.

43. (1) Save as otherwise provided, every salaried officer and teacher of the University shall be appointed under a written contract.

The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned.

(2) Any member of the public services in India whom it is proposed to appoint to a post in the University shall, subject to the approval of such appointment by the Government, have the option—

(i) of having his services lent to the University for a specific period and remaining liable to recall to Government service at the discretion of the Government at the end of that period, or

(ii) of resigning Government service on entering the service of the University : Provided, however, that nothing in this section shall prohibit the employment of a member of the public services as a part-time servant of the University with the approval of the Government.

Chapter IX—University Funds.

Funds of the University.

44. The University shall have a fund to which shall be credited

(1) its income from fees, endowments and grants, if any; and

(2) any contribution by the Local Government.

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[1] This section was substituted for the original by section 35 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

The Local Government shall contribute annually towards the said fund

(*a*) a sum equal to the amount of contribution by the Local Government in the financial year prior to the coming into force of this Act towards the recurring expenditure of the University ; and

[1] [(*b*) a sum of at least two lakhs of rupees on such conditions as the Local Government may impose towards the salary, if any, of the Vice-Chancellor, the development of laboratories, libraries, museums and workshops and the salaries of such teachers of the University as are appointed for higher research and for the advancement and dissemination of knowledge in particular branches of learning.]

Transfer of Government Institutions to the University.

45. The Local Government may at any time after the passing of this Act transfer to the University the control and management of any of its institutions on such terms and conditions as it may deem proper. In the case of such transfer, the Local Government shall make a contribution annually of a sum equivalent to the average annual net expenditure from Provincial Funds on the institution during the three years immediately preceding the year of transfer.

Chapter X—Transitory Provisions.

Completion of course for students in colleges affiliated to the Madras University under previous Act.

46. Notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University of Madras established under Act XXVII of 1857, who was studying for any examination of the said University, shall be permitted to complete his course in preparation therefor and the University shall hold for such students examinations in accordance with the curricula of studies of that University for such period as may be prescribed.

Appointment of First Vice-Chancellor.

47. Notwithstanding anything contained in sub-section (1) of section 11, within three months after the passing of this Act the first Vice-Chancellor shall be appointed by the Chancellor on a salary to be fixed by him for a period not exceeding three years and on such other conditions as he thinks fit.

Transitory powers of the Vice-Chancellor.

48. (1) It shall be the duty of the Vice-Chancellor to make arrangements for constituting the Senate, the Syndicate, the Academic Council and the Council of Affiliated Colleges within six months after the date of his appointment or such longer period not exceeding one year as the Local Government may by notification direct.

(2) The Vice-Chancellor shall with the assistance of an advisory committee nominated by the Chancellor draw up any rules that may be necessary for regulating the method of election to those authorities subject to the provisions of the Act and the approval of the Chancellor.

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[1] This clause was substituted for the original by section 36 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the Local Government may by notification direct.

(4) The Regulations of the University of Madras in force at the time of the coming into operation of sections 3 and 4 of this Act shall, so far as they may be applicable, continue to be in force until they are replaced by the Statutes, Ordinances and Regulations to be framed under this Act.

(5) It shall be the duty of the Vice-Chancellor to draft such Statutes, Ordinances and Regulations as may be necessary and submit them to the respective authorities competent to deal with them for their disposal. Such Statutes, Ordinances and Regulations when framed shall be published in the *Fort St. George Gazette*.

First appointments of University staff.

49. The Vice-Chancellor shall have power—

(1) to appoint such advisory committees as he may think, fit and

(2) to appoint such clerical and menial staff as may be necessary subject to the sanction of the Chancellor.

Removal by Local Government of difficulties at the commencement of the Act.

50. If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or otherwise in first giving effect to the provisions of this Act, the Local Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

CHAPTER XI—MISCELLANEOUS.

Passing of property and rights to the University as reconstituted.

51. All [1][properties], all rights of whatever kind used, enjoyed, or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by, or for, the University of Madras as constituted under the Indian Universities Act, 1904, as well as all liabilities legally subsisting against the said University shall pass to the University as constituted under this Act

Provident Fund.

52. Where a pension or provident fund has been instituted by the Senate for the benefit of the officers, teachers or servants of the University, the Local Government may declare that the provisions of the Provident Fund Act, 1897, shall apply to such fund as if the University were a local authority and the fund a Government Provident Fund.

Report on affiliated colleges.

53. The Senate shall at the end of every five years from the passing of this Act submit a report to the Local Government on the condition of affiliated colleges and on the desirability

[1] This word was substituted for the word "property" by section 37 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

or otherwise of establishing other Universities outside the limits of the University. The Local Government shall lay the report before the Legislative Council and shall take such action on it as it deems fit.

[1] **54.** [Omitted.]

55. As from the date on which sections 3 and 4 are brought into operation the enactments specified in Schedule II shall be repealed to the extent specified in the fourth column thereof. **Repeal of certain enactments.**

SCHEDULE I.

[2] [Omitted.]

SCHEDULE II.

Enactments Repealed.

(*See* section 55.)

Year.	Number.	Short title.	Extent of repeal.
1857	XXVII	The Madras University Act, 1857.	So much as is unrepealed.
1904	VIII	The Indian Universities Act, 1904.	In sub-section (1) of section 6, the word "Madras".
			In sub-section (*a*) of section 12, the word "Madras".
			In the first schedule the heading, "The University of Madras" and the entries under that heading.

THE MADRAS SURVEY AND BOUNDARIES ACT, 1923

MADRAS ACT NO. VIII OF 1923.

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[1] This section was omitted by section 38 of the Madras University (Amendment) Act, 1929 (Madras Act XII of 1929).

[2] Schedule I was omitted by section 54 *ibid.*

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27. Immunity for acts done in good faith or purporting to be so done.

MADRAS ACT No. VIII OF 1923.[1]

[THE MADRAS SURVEY AND BOUNDARIES ACT, 1923.]

An Act to amend the law relating to survey of lands and settlement of boundary disputes.

[29*th May*, 1923.]

WHEREAS it is expedient to consolidate and amend the law relating to survey of lands and settlement of boundary disputes and whereas the previous sanction of the Governor-General has been obtained under section 80-A (3) of the Government of India Act ; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called 'the Madras Survey and Boundaries Act, 1923.' Title.

(2) It extends to the whole of the Presidency of Madras. Local extent.

2. The Madras Survey and Boundaries Act, 1897, is hereby repealed. Repeal.

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

(i) 'Estate' means— 'Estate.'

(*a*) any permanently-settled estate whether a *zamindari, jaghir, mitta or palaiyam* ;

(*b*) any portion of such permanently-settled estate which has been separately registered in the office of the Collector ;

(*c*) any unsettled *palaiyam* or *jaghir* ;

(*d*) any inam village of which the grant was made o has been confirmed by the British Government ;

(*e*) any portion, consisting of one or more villages of any of the estates specified above in clauses (*a*), (*b*) and (*c*), which is held on a permanent under-tenure.

(ii) 'Government land' means any land not forming an estate or any portion thereof. 'Government land.'

[1] For Statement of Objects and Reasons *see Fort St. George Gazett*, dated 1st February 1921, page 374.

'Prescribe.' (iii) 'Prescribe' means prescribe by rules framed under this Act.

'Proprietor.' (iv) 'Proprietor' means any person in whose name any estate is for the time being registered in the office of the Collector of the district wherein the estate is situated, and, in respect of an estate specified in clause (*e*) of sub-section (i), the holder thereof.

'Registered holder.' (v) 'The registered holder' of any Government land means the person in whose name the land in question is registered in the Government accounts of the village :

Provided that when any person other than the registered holder is in lawful management of Government land otherwise than as agent or servant of the registered holder or as mortgagee or lessee, such person shall be deemed to be the registered holder in respect of such Government land.

'Proprietor' or 'Registered holder' in case of joint registration. (vi) Where an estate or Government land is so registered in the names of two or more persons jointly, the proprietor or registered holder, as the case may be, shall, for the purposes of this Act, be the person who is recognized by the other joint holders as the manager of the estate or who, in case of dispute, is recognized by the Collector as senior joint holder.

'Survey.' (vii) 'Survey' includes all operations incidental to the determination, measurement and record of a boundary or boundaries or any part of a boundary and includes a resurvey.

'Survey mark.' (viii) 'Survey mark' means any mark or object erected, made, employed or specified by a survey officer to indicate or determine or assist in determining the position or level of any point or points.

'Survey officer.' (ix) 'Survey officer' means any person appointed to be a survey officer under section 4.

Local Government to appoint survey officers. **4.** (1) The Local Government may by notification appoint any person either by name or by virtue of his office to be a survey officer for all or any of the purposes of this Act.

Local Government to prescribe jurisdiction of survey officer. (2) Subject to the control of the Local Government and of any officer or authority appointed by it in this behalf every person so appointed shall exercise and perform the powers and duties of a survey officer within such local limits, and for such periods of time as the Local Government may direct.

Local Government may delegate powers of control. (3) The Local Government may delegate its powers under sub-sections (1) and (2) to such officer or authority as it thinks fit.

CHAPTER II.

THE SURVEY OF GOVERNMENT LANDS.

Local Government may direct the survey of Government land or of any boundary of such land.

5. The Local Government or, subject to the control of the Local Government, any officer or authority to whom this power may be delegated by it may by notification order a survey of any Government land or of any boundary of such land or of the boundary forming the common limit of Government land and land that is not Government land.

Notification to be published by survey officers.

6. (1) When any survey is ordered under section 5 the survey officer shall publish a notification in the prescribed manner inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered, to attend either in person or by agent at a specified place and time and from time to time thereafter when called upon for the purpose of pointing out boundaries and supplying information in connexion therewith.

Such notification to be valid notice to persons interested.

(2) A notification published under sub-section (1) shall be held to be a valid notice to every person having any interest in the land or in the boundaries of which the survey has been ordered.

Survey officer to carry out the survey in the prescribed manner.

7. The survey officer shall carry out the survey in the prescribed manner.

Cost to be charged to persons interested in the lands surveyed.

8. The cost, if any, of the labour employed and of the survey marks used in any survey notified under section 5 shall be determined and apportioned in the prescribed manner among the persons who have any interest in the land or in the boundaries of which the survey has been ordered and shall be recoverable from such persons as an arrear of land revenue. Notice of such determination and apportionment shall be given in the prescribed manner to the persons aforesaid.

Power of survey officer to determine and record an undisputed boundary.

9. (1) The survey officer shall have power to determine and record as undisputed any boundary in respect of which no dispute is brought to his notice.

Notice to registered holders of lands affected.

(2) Notice of every decision of the survey officer under section 9 (1) shall be given in the prescribed manner to the registered holders of the lands the boundaries of which may be affected by the decision.

Power of survey officer to determine and record a disputed boundary.

10. (1) Where a boundary is disputed, the survey officer, after making such inquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The survey officer shall record in writing the reasons for his decision.

Notice to parties to the dispute and to registered holders of land affected.

(2) Notice of every decision of the survey officer under section 10 (1) shall be given in the prescribed manner to the parties to the dispute and other registered holders of the lands the boundaries of which may be affected by the decision.

Appeals against orders under section 8, 9 or 10.

11. (1) Any person affected by a decision under section 8, 9 or 10 may appeal to the prescribed officer. The decision of the appellate authority with reasons therefor shall be recorded in writing and notice of such decision shall be given in the prescribed manner to the parties to the appeal. Any modification of the survey officer's decision, ordered by the appellate authority, shall be noted in the record prepared under section 9 or 10 as the case may be.

(2) [1][A copy of the order and a copy of the map recording the boundaries as determined under section 9, 10 or 11 (1) shall be furnished to any person interested in such order or map] as the case may be on his application and at his cost.

Period within which appeal should be preferred.

12. (*a*) An appeal under section 11 shall be preferred within three months from the date of service of notice under section 8, 9 or 10, provided that the time taken to obtain a copy of the decision and of the map shall not be included in the period of three months allowed for appeal.

Proviso.

(*b*) No appeal preferred after the expiry of the said period shall be admitted, provided that the appellate authority may admit an appeal after the expiry of the said period on his being satisfied that the appellant had good and sufficient cause for not preferring the appeal within such period.

Explanation.—The fact that notice under section 8, 9 or 10 was not served personally on the appellant shall be deemed to be good and sufficient cause within the meaning of the above proviso.

(*c*) No appeal shall be admitted under sub-section (*b*) after the issue of the notification specified in section 13.

Completion of demarcation to be notified.

13. When the survey of any land or boundary which has been notified under section 5 has been completed in accordance with the orders passed under section 9, 10 or 11, the survey officer shall notify the fact in the district gazette and a copy of such notification shall be posted in the village chavadi, if any, of the village to which the survey relates ; unless the survey so notified is modified by a decree of a civil court under the

[1] These words were substituted for the words " A copy of the order under section 10 or 11 (1) and a copy of the order regarding the boundaries as determined under section 9, 10 or 11 (1) shall be furnished to any person interested in such orders " by section 3 of the Madras Survey and Boundaries Act, 1923 (Validation) Act, 1924 (Madras Act II of 1925).

provisions of section 14, the record of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded.

Institution of a suit in civil court within three years to establish rights claimed in respect of the boundary of the property surveyed.

14. Any person deeming himself aggrieved by the determination of any boundary under section 9, 10 or 11 may, subject to the provisions of Parts II and III of the Indian Limitation Act, 1908, institute a suit within three years from the date of the notification under section 13 to set aside or modify the said determination and the survey shall, if necessary, be altered in accordance with the final decree in the suit and the alteration, if any, shall be noted in the record.

XI of 1908.

The plaintiff in such suit shall join as parties to it all persons whom he has reason to believe to be interested in the boundary which is the subject of the suit.

Registered holders responsible for the maintenance of survey marks.

15. (1) Subject to such conditions as may be prescribed in this behalf, every registered holder of Government land shall be bound to maintain, renew and repair the survey marks on or within the boundaries of his holding, and in default of his doing so the survey officer or the Collector may, at the cost of the Local Government, maintain, renew and repair such survey marks, determine and apportion the cost of so doing, and recover such cost as an arrear of land revenue. Such cost may include the cost of all operations incidental to such renewal or repair but not any charges on account of survey officers and supervising establishment.

Notice to the registered holder.

(2) Before a survey officer or Collector maintains, renews or repairs any survey marks, he shall serve a notice in writing on the registered holder in the prescribed manner giving particulars of the survey marks in respect of which default has been committed and calling upon him to maintain, renew or repair the same within a time to be specified in such notice which shall be not less than 15 days from the date of service thereof.

Notice to cultivator or other person interested.

(3) If the notice under sub-clause (2) cannot be served personally on the registered holder, a copy of the same shall be served also on the cultivator or other person interested in the land.

Duties of village officers.

16. It shall be the duty of every village headman and of every village accountant

(*a*) to prevent the destruction, injury, removal or alteration of any survey mark on or within the limits of his jurisdiction ; and

(*b*) when he becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact to the prescribed officer.

CHAPTER III.

The Survey of Estates.

Local Government may direct the survey of an estate in certain cases.

17. The Local Government, or subject to the control of the Local Government, any officer or authority to whom this power may be delegated by it, may by notification direct the survey of any estate or portion of an estate or of any boundary therein

(*a*) on the application in writing of the proprietor of such estate or, in the case of a boundary, of any person interested therein ; or

(*b*) without such application whenever in the opinion of the Local Government such survey is necessary

(i) for the better or more convenient assessment or levy of irrigation cess ;

(ii) for any other reason to be recorded prior to the issue of such notification :

Provided (1) that any person making an application under clause (*a*) shall forward with his application a statement in writing signed by him to the effect that he will pay the whole cost of the survey and if required will deposit the amount in a Government treasury before the survey is commenced and (2) that any survey commenced under that clause may be stopped on the withdrawal of his application by the applicant unless the Local Government sees reason to direct the continuance of the survey in virtue of the power conferred on it by clause (*b*).

Procedure to be observed during survey.

18. Except as provided in sections 19 and 20 the conduct of such survey and the proceedings of the survey officer shall, as far as may be, be regulated by the procedure laid down in Chapter II with regard to the survey of Government lands ; and the provisions contained in that chapter in regard to appeals from the orders of survey officer, the granting of copies thereof and the effect of such orders, and of the decisions passed in appeals therefrom and in regard to the right of suit in respect of such orders and decisions shall, as far as may be, apply to all orders passed by a survey officer under this chapter and to the decisions passed in appeals against such orders.

Cost of survey recoverable from proprietor.

19. All costs incurred by the Local Government on account of a survey directed under clause (*a*) of section 17 shall be recoverable from the persons who have any interest in the estate, portion of estate, or boundary of which the survey has been ordered as an arrear of land revenue ; the cost of a survey directed under clause (*b*) (i) and (ii) of section 17 shall be borne by the Local Government unless otherwise provided by any law for the time being in force.

Local Government may direct apportionment of costs among lands surveyed.

20. (1) On the application of the proprietor of an estate in which any survey has been made the Local Government or any officer, or authority to whom this power may be delegated by it, may direct the survey officer to apportion among the holders of the lands or persons interested in the boundaries which have been surveyed the whole or a specified portion of the cost of such survey; provided that no tenant under a proprietor shall be called upon to pay a large sum on account of such survey than he would be liable to pay if he held his land directly under the Government.

Apportionment how made.

(2) The apportionment under sub-section (1) shall be made in the prescribed manner.

Cost so apportioned recoverable by proprietor from tenants.

(3) The amount apportioned under this section when it is due by the tenants of a proprietor shall be recoverable as if it were an arrear of rent due by a tenant to his landholder.

(4) For the purpose of this section and section 21 the expression 'tenant' shall include the holder of a rent-free grant.

Consequences ensuing on completion of survey of an estate.

21. When an estate or a portion of an estate or a boundary in an estate has been surveyed in pursuance of a notification issued under section 17, the survey officer shall report the completion of the survey to the District Collector and to the proprietor, and the following consequences shall thereupon ensue :—

Duty of tenants.

(i) Subject to such conditions as may be prescribed in this behalf, every tenant of the land surveyed, and where there is no tenant, the proprietor shall be bound to maintain, renew and repair the survey marks on or within the boundaries of his holding, and in default of his doing so the Collector may, after giving notice to the tenant or proprietor as the case may be in the manner provided in sub-sections (2) and (3) of section 15, at the cost of the Local Government, maintain, renew and repair such survey marks and recover the cost of so doing as an arrear of land revenue. Such cost may include the cost of all operations incidental to such renewal or repair but not any charges on account of survey officers and supervising establishment.

Duties of village officers.

(ii) It shall be the duty of the headman and of the accountant of every village the whole or a part of which has been surveyed

(*a*) to prevent the destruction, injury, removal or alteration of any survey mark on or within the limits of his village ; and

(*b*) when he becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact to the proprietor of the estate and to the

Collector or to such officer subordinate to the Collector as the District Collector may, from time to time, direct.

CHAPTER IV.

MISCELLANEOUS.

Power to enter upon, examine, and clear obstruction on lands.

22. For the purposes of any survey, inquiry or other proceedings under this Act, the survey officer or the District Collector or any of the subordinates of such officers shall have power to enter upon, examine and measure any land under survey and to clear by cutting down or removing any trees, jungle, fences, standing crops or other material obstructions, the boundaries or other lines the clearance of which may be necessary for the purposes of the survey.

Power to summon witnesses and require production of documents.

23. Any survey officer generally or specially authorized in that behalf, or the District Collector or any officer to whom an appeal is preferred under any of the provisions of this Act, may, for the purpose of rendering assistance in the survey of any land summon and enforce the attendance of any person who has an interest therein and may for the purposes of any survey inquiry or other proceedings under this Act summon and enforce the attendance of any person for giving evidence and for the production of documents; and the procedure prescribed in the Code of Civil Procedure for summoning and enforcing the attendance of witnesses and for the recording of evidence shall be followed as far as it can be made applicable.

Reference to arbitration.

24. (1) The District Collector or the survey officer may, with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary.

(2) The decision of the District Collector or the survey officer passed in accordance with such award shall be conclusive between the parties to such arbitration and those claiming under them.

Proprietor or registered holder may recover expenses paid by him from the owner of the estate or Government land and may acquire a charge upon the land to that extent.

25. (i) In the absence of a contract to the contrary a proprietor or registered holder of any estate or Government land under survey, who incurs any expenses or from whom any expenses are recovered under this Act in respect of such survey, shall, if he be not the owner thereof, acquire a charge on such estate or Government land to the extent of the expenses so incurred or recovered from him with interest thereon at the rate of 9 per cent per annum.

(ii) It shall be lawful for any person claiming an interest in an estate or Government land under survey to pay the charges payable under this Act in respect of the survey of such estate or Government land, though he be not the proprietor or registered holder thereof; and all such sums, if paid by a tenant or lessee, may be deducted from any rent then or afterwards due by him in respect of such estate or Government land and if paid by any other person interested or *bona fide* claiming an interest in the estate or Government land, shall be a charge upon such estate or Government land. Such sums shall bear interest at 9 per cent per annum. Person claiming an interest may pay charges payable by proprietor or registered holder and acquire a charge.

(iii) Where a person entitled under this section to a charge on an estate or Government land is a co-owner of such estate or Government land such charge shall extend only to so much of the amount recovered from or expended or paid by him as is due in respect of the share of the other co-owners in such estate or Government land with interest at the rate aforesaid. Extent of such charges.

26. (1) The Local Government may after previous publication make rules to carry out the purposes of the Act. Local Government may make rules under the Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(*a*) prescribe for different localities the unit of survey, the subdivisions thereof and the description of the survey marks; and provide for the maintenance, renewal and repair of such marks;

(*b*) provide for the collection and record of any information in respect of any land which has been or is about to be surveyed;

(*c*) define the classes of officers to be appointed to do duty under this Act and the powers to be exercised by such officers;

(*d*) prescribe and regulate the procedure to be followed by those officers in the conduct of proceedings under this Act;

(*e*) provide for the publication of all notifications issued under this Act and for the form, issue and service of all orders, communications and notices to be issued, communicated, given or served under this Act;

(*f*) regulate the furnishing of survey marks, labour and other matters necessary to surveys notified under this Act and the recovery of charges incidental thereto where they are recoverable;

(*g*) provide for the apportionment of all charges directed to be apportioned by this Act and for the determination of the cost of labour employed and of the survey marks used in any such survey;

(*h*) prescribe the fees payable for processes issued and copies granted under this Act ; and

(*i*) prescribe the manner in which arbitrators are to be appointed and regulate the procedure to be followed by them.

(3) All such rules shall be laid before the Legislative Council for a period of not less then two months while the Council is in session.

Immunity for acts done in good faith or purporting to be so done.

27. No suit or other legal proceedings shall lie against any person for anything in good faith done or purporting to be done under this Act.